

## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

Authority: A.R.S. § 17-201 et seq.

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).*

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to A.R.S. § 41-1005(A)(1). Exemption from A.R.S. Title 41, Chapter 6 means that the Game and Fish Commission did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

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*Former Article 4, Commission Orders, consisting of Sections R12-4-401 through R12-4-424, R12-4-429 through R12-4-431, R12-4-440 through R12-4-443 expired. See R12-4-118.*

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*Article 5 Article heading amended effective November 7, 1996 (Supp. 96-4).*

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**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION**

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## Section

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**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY**

*Article 8, consisting of Sections R12-4-801 through R12-4-803, adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2).*

## Section

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**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS****R12-4-101. Definitions**

**A.** In addition to the definitions provided in A.R.S. § 17-101, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless the context otherwise requires:

1. "Artificial lures and flies" means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial corn, or artificial marshmallows.
  2. "Bonus point" means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.
  3. "Commission order" means a document adopted by the Commission that does any or all of the following: open, close, or alter seasons and open areas for taking wildlife; specify wildlife that may or may not be taken; set bag or possession limits for wildlife; or set the number of permits available for limited hunts.
  4. "Crayfish net" means a net not exceeding 24 inches on a side or in diameter that is retrieved by means of a hand-held line.
  5. "Hunt area" means a game management unit, portion of unit, or group of units opened to hunting by a particular hunt number.
  6. "Hunt number" means the number assigned by Commission order to any hunt area where a limited number of hunt permits is available.
  7. "Hunt permits" means the number of hunt permit-tags made available to the public as a result of a Commission order.
  8. "Hunt permit-tag" means a tag for a hunt for which a Commission order has assigned a hunt number.
  9. "Identification number" means a number assigned to each applicant or licensee by the Department, as described in R12-4-111.
  10. "License dealer" means a business authorized to sell hunting, fishing, and other licenses pursuant to R12-4-105.
  11. "Live baitfish" means any species of live freshwater fish designated by Commission order as lawful for use in taking aquatic wildlife pursuant to R12-4-313.
  12. "Management unit" means an area established by the Commission for management purposes.
  13. "Minnow trap" means a trap with dimensions not exceeding 12 inches in depth, 12 inches in width and 24 inches in length.
  14. "Muzzle-loading handgun" means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.
  15. "Muzzle-loading rifle" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.
  16. "Nonpermit-tag" means a tag for a hunt for which a Commission order has not assigned a hunt number and the number of tags is not limited.
  17. "Restricted nonpermit-tag" means a tag issued to a hunter pool applicant for a supplemental hunt under R12-4-115.
  18. "Simultaneous fishing" means the taking of fish by two lines and not more than two hooks or two artificial lures or flies per line.
  19. "Sink box" means a low floating device having a depression affording the hunter a means of concealment beneath the surface of the water.
  20. "Tag" means the authorization that an individual is required to obtain from the Department under A.R.S. Title 17 and 12 A.A.C. 4 before taking certain wildlife.
  21. "Waterdog" means the larval or metamorphosing stage of salamanders.
  22. "Wildlife area" means an area established pursuant to 12 A.A.C. 4, Article 8.
- B.** If the following terms are used in a Commission order, the following definitions apply:
1. "Antlered" means having an antler fully erupted through the skin and capable of being shed.
  2. "Bearded turkey" means a turkey with a beard that extends beyond the contour feathers of the breast.
  3. "Buck antelope" means a male pronghorn antelope with a horn longer than its ear.
  4. "Bull elk" means an antlered elk.
  5. "Ram" means any male bighorn sheep, excluding male lambs.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 22, 1976 (Supp. 76-5). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-01 renumbered as Section R12-4-101 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 22, 1982 (Supp. 82-2). Amended subsection (A), paragraph (10) effective April 7, 1983 (Supp. 83-2). Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (A) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1).

**R12-4-102. Fees for Licenses, Tags, Stamps, and Permits**

Persons purchasing the licenses, tags, stamps, or permits listed in this Section shall pay the prescribed fees at the time of application, or the fees prescribed by the Director under R12-4-115.

<b>Hunting and Fishing License Fees</b>	<b>Fees Effective for Licenses, Tags, Stamps, and Permits to Be Used Until 2005</b>	<b>Fees Effective for Licenses, Tags, Stamps, and Permits to Be Used Beginning in 2005</b>
<b>Class A, General Fishing License</b>		
• Resident	\$18.00	\$18.00
• Nonresident	\$51.50	\$51.50
Pursuant to A.R.S. § 17-333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is half price; that includes half of the surcharge prescribed as authorized by A.R.S. § 17-345.		
<b>Class B, Four-month Fishing License</b>		
• Nonresident	\$37.50	\$37.50
<b>Class C, Five-day Fishing License</b>		
• Nonresident	\$26.00	\$26.00
<b>Class D, One-day Fishing License</b>		
• Resident or Nonresident	\$12.50	\$12.50
<b>Class E, Colorado River Only Fishing License</b>		
• Nonresident	\$42.50	\$42.50
<b>Class F, Combination Hunting and Fishing License</b>		
• Resident Adult	\$44.00	\$44.00
• Nonresident Adult	\$177.50	\$177.50
• Resident or Nonresident Youth.	\$25.50	\$25.50
Fee applies before and through the calendar year of the applicant's 20th birthday.		
<b>Class G, General Hunting License</b>		
• Resident	\$25.50	\$25.50
• Nonresident	\$113.50	\$113.50
<b>Class H, Three-day Hunting License</b>		
• Nonresident	\$51.50	\$51.50
• Resident Youth Group Two-day Fishing License	\$25.00	\$25.00
<b>Class U, Urban Fishing License</b>		
• Resident or Nonresident	\$16.00	\$16.00
<b>Hunt Permit-tag Fees</b>		
Antelope		
• Resident	\$59.50	\$65.00
• Nonresident	\$299.50	\$325.00
Bear		
• Resident	\$13.00	\$14.50
• Nonresident	\$183.00	\$200.00
Bighorn Sheep		
• Resident	\$179.50	\$195.00
• Nonresident	\$915.00	\$1,000.00

• Nonresident	\$915.00	\$1,000.00
Buffalo		
• Adult Bulls or Any Buffalo		
• Resident	\$750.00	\$750.00
• Nonresident	\$3,750.00	\$3,750.00
• Adult Cows		
• Resident	\$450.00	\$450.00
• Nonresident	\$2,250.00	\$2,250.00
• Yearling		
• Resident	\$240.00	\$240.00
• Nonresident	\$1,200.00	\$1,200.00
• Yearling or Cow		
• Resident	\$450.00	\$450.00
• Nonresident	\$2,250.00	\$2,250.00
Deer and Archery Deer		
• Resident	\$17.50	\$19.50
• Nonresident	\$108.50	\$125.50
Elk		
• Resident	\$71.50	\$78.00
• Nonresident	\$366.00	\$400.00
Javelina and Archery Javelina		
• Resident	\$11.00	\$12.50
• Nonresident	\$63.00	\$70.00
Mountain Lion		
• Resident	\$13.00	\$10.00
• Nonresident	\$183.00	\$200.00
Turkey and Archery Turkey		
• Resident	\$10.00	\$11.00
• Nonresident	\$50.50	\$50.50
Sandhill Crane		
• Resident or Nonresident	\$5.00	\$5.00
<b>Nonpermit-tag and Restricted Nonpermit-tag Fees</b>		
Antelope		
• Resident	\$59.50	\$65.00
• Nonresident	\$299.50	\$325.00
Bear		
• Resident	\$13.00	\$14.50
• Nonresident	\$183.00	\$200.00
Bighorn Sheep		
• Resident	\$179.50	\$195.00
• Nonresident	\$915.00	\$1,000.00
Buffalo		
• Adult Bulls or Any Buffalo		
• Resident	\$750.00	\$750.00
• Nonresident	\$3,750.00	\$3,750.00
• Adult Cows		
• Resident	\$450.00	\$450.00
• Nonresident	\$2,250.00	\$2,250.00
• Yearling		
• Resident	\$240.00	\$240.00
• Nonresident	\$1,200.00	\$1,200.00
• Yearling or Cow		
• Resident	\$450.00	\$450.00
• Nonresident	\$2,250.00	\$2,250.00
Deer and Archery Deer		
• Resident	\$17.50	\$19.50

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• Nonresident	\$108.50	\$125.50
Elk		
• Resident	\$71.50	\$78.00
• Nonresident	\$366.00	\$400.00
Javelina and Archery Javelina		
• Resident	\$11.00	\$12.50
• Nonresident	\$63.00	\$70.00
Mountain Lion		
• Resident	\$13.00	\$10.00
• Nonresident	\$183.00	\$200.00
Turkey and Archery Turkey		
• Resident	\$10.00	\$10.00
• Nonresident	\$50.50	\$50.50
<b>Stamps and Special Use Permit Fees</b>		
Arizona Colorado River Special Use Permit Stamp. For use by California fishing licensees, resident or nonresident.	\$3.00	\$3.00
Arizona Colorado River Special Use Permit Stamp.	\$3.00	\$3.00
Arizona Lake Powell Stamp. For use by resident Utah licensees.	\$3.00	\$3.00
Bobcat Permit Tag. For resident or nonresident.	\$2.00	\$2.00
State Waterfowl Stamp. Validates resident or nonresident Class F, G, or H license for ducks, geese, and swans.	\$7.50	\$7.50
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03. Resident or nonresident.	\$3.00	\$3.00
Trout Stamp. When affixed to the back of the license, validates Class A license for trout.		
• Resident	\$10.50	\$10.50
• Nonresident	\$49.50	\$49.50
Two-Pole Stamp. When affixed to the back of a Class A, B, C, D, E, F. Pioneer or Urban fishing license, allows simultaneous fishing as defined in R12-4-101.	\$4.00	\$4.00
Unit 12A (North Kaibab) Habitat Management Stamp, resident or nonresident	\$15.00	\$15.00
<b>Other License Fees</b>		
Falconer License	\$75.00	\$75.00
Field Trial License	\$5.00	\$5.00
Fur Dealer's License	\$100.00	\$100.00
Guide License		
• Resident or Nonresident	\$100.00	\$100.00
License Dealer's License	\$75.00	\$75.00
Minnow Dealer's License	\$30.00	\$30.00
Private Game Farm License	\$40.00	\$40.00
Shooting Preserve License	\$100.00	\$100.00
Taxidermist License	\$50.00	\$50.00
Trapping License		
• Resident	\$10.00	\$10.00

• Nonresident	\$50.00	\$50.00
• Resident Juvenile	\$10.00	\$10.00
White Amur Stocking License	\$100.00	\$200.00
Wildlife Hobby License	\$5.00	\$5.00
Zoo License	\$100.00	\$100.00
<b>Administrative Fees</b>		
Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps.	\$3.00	\$3.00
Permit Application Fee.	\$5.00	\$5.00

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 31, 1977 (Supp. 77-2). Amended effective June 28, 1977 (Supp. 77-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 1, 1979 (Supp. 78-6). Amended effective June 4, 1979 (Supp. 79-3). Amended effective January 1, 1980 (Supp. 79-6). Amended paragraphs (1), (7) through (11), (13), (15), (29), (30), and (32) effective January 1, 1981 (Supp. 80-5). Former Section R12-4-30 renumbered as Section R12-4-102 without change effective August 13, 1981. Amended effective August 31, 1981 (Supp. 81-4). Amended effective September 15, 1982 unless otherwise noted in subsection (D) (Supp. 82-5). Amended effective January 1, 1984 (Supp. 83-4). Amended subsections (A) and (C) effective January 1, 1985 (Supp. 84-5). Amended effective January 1, 1986 (Supp. 85-5). Amended subsection (A), paragraphs (1), (2), (8) and (9) effective January 1, 1987; Amended by adding a new subsection (A), paragraph (31) and renumbering accordingly effective July 1, 1987. Both amendments filed November 5, 1986 (Supp. 86-6). Amended subsections (A) and (C) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsections (A) and (C) filed December 30, 1988, effective January 1, 1989"; Amended subsection (C) effective April 28, 1989 (Supp. 89-2). Section R12-4-102 repealed, new Section R12-4-102 filed as adopted November 26, 1990, effective January 1, 1991 (Supp. 90-4). Amended effective September 1, 1992; filed August 7, 1992 (Supp. 92-3). Amended effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective December 16, 1995 (Supp. 94-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State November 14, 1995 (Supp. 95-4). Amended subsection (D), paragraph (4), and subsection (E), paragraph (10), effective October 1, 1996; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended subsection (B), paragraph (6) and subsection (E) paragraph (4), effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 or January 1, 2001, as designated within the text of the Section (Supp. 00-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R.

1157, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2823, effective August 13, 2004 (Supp. 04-2).

#### **R12-4-103. Duplicate Tags and Licenses**

- A.** Pursuant to A.R.S. § 17-332(C), the Department and its license dealers shall issue a duplicate license or tag to an applicant who pays the fee set forth at R12-4-102 and signs an affidavit affirming:
1. The applicant's name and identification number if previously issued to the applicant.
  2. The purchase of an original license or tag.
  3. The resident status and class of the original license or tag.
  4. The approximate date it was purchased.
  5. The license dealer from whom it was purchased.
  6. That the original tag for which a duplicate is being purchased was unused and is lost, destroyed, mutilated, or otherwise unusable.
- B.** This rule is effective January 1, 1996.

#### **Historical Note**

Amended effective June 7, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Former Section R12-4-07 renumbered as Section R12-4-103 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4).

#### **R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing**

- A.** For the purposes of this Section, "group" means all applications contained in a single envelope or submitted electronically over the internet as part of the same application. No more than four individuals may apply as a group except that no more than two individuals may apply as a group for bighorn sheep. Nonresidents, see subsection R12-4-114(D).
- B.** An applicant applying for a hunt permit-tag or a bonus point shall apply using a Hunt Permit-tag Application Form, available at Department offices, the Department's internet web site, and license dealers. An applicant using the Hunt Permit-tag Application Form to apply for a hunt permit-tag or a bonus point shall also apply at times and locations established by the hunt permit-tag application schedule that is published annually by the Department and available at Department offices, the Department's internet web site, and license dealers.
- C.** An applicant shall sign the Hunt Permit-tag Application Form, or provide permission to another person to sign the application form for them. If applying electronically over the internet, an applicant shall attest to, or provide permission to another person to attest to, the information electronically provided.
- D.** Each applicant shall provide the following information on the Hunt Permit-tag Application Form:
1. Name, address, residency status, and date of birth;
  2. The applicant's social security number, as required under A.R.S. §§ 25-320(K) and 25-502(K), and the applicant's Department identification number, if different from the social security number on the Hunt Permit-tag Application Form;
  3. If licensed to take wildlife in this state, the number of the applicant's license for the year that corresponds with the applicable hunt number;
  4. If not licensed for the year that corresponds with the applicable hunt number, complete the License Application portion of the Hunt Permit-tag Application Form, providing the applicant's name, Department identification number, address, class of license for which application is made, residency status, length of Arizona residency (if applicable), date of birth, sex, weight, height, and color of hair and eyes; and
- 5.** Each applicant under the age of 14 applying for a hunt other than big game and not required to have a license under A.R.S. § 17-335(B) shall indicate "juvenile" in the space provided for the license number on the Hunt Permit-tag Application Form.
- E.** Each applicant shall enclose as part of the hunt permit-tag application, fees as set in R12-4-102 for the following:
1. The fee for the applicable hunt permit-tag, unless application is submitted electronically over the internet or telephone;
  2. A permit application fee; and
  3. If a license is requested, a fee for the license.
- F.** Each applicant shall enclose payment as part of the hunt permit-tag application, made payable, in U.S. currency, to the Arizona Game and Fish Department by certified check, cashier's check, money order, or personal check. If applying electronically over the internet or telephone, an applicant shall include as a part of the hunt permit-tag application, payment by valid credit card.
- G.** Each applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the drawing, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
- H.** Each applicant shall make all hunt choices for the same genus within one application.
- I.** An applicant shall not include applications for different genera of wildlife in the same envelope.
- J.** All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- K.** Each applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule published annually by the Department.
  2. For genera that have multiple hunts within a single calendar year, hunters that successfully draw a hunt permit-tag during an earlier season may apply for a later season for the same genus if they have not taken the bag limit for that genus during a preceding hunt in the same calendar year.
  3. If the bag limit is more than one per calendar year, any person may apply as specified in the hunt permit-tag application schedule published annually by the Department for remaining hunt permit-tags in unfilled hunt areas.
- L.** A person shall not apply for a bighorn sheep or buffalo hunt permit-tag when that person has taken the bag limit for that species.
- M.** To participate in the bonus point system, an applicant shall comply with R12-4-107.
- N.** Any Hunt Permit-tag Application Form not prepared or submitted in accordance with this Section, or not prepared in a legible manner, is not valid and shall be rejected and all fees refunded. If the Department rejects an application from any member of a group, the Department shall reject all applications from the group.
- O.** Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.

- P. The Department shall mail hunt permit-tags to successful applicants. The Department shall return to an applicant designated "A" on the Hunt Permit-tag Application Form overpayments and hunt permit-tag and license fees received with an unsuccessful application. Permit application fees received with valid applications shall not be refunded. Hunt permit-tag fees and license fees submitted with an application for a bonus point shall not be refunded.
- Q. If the Director determines that Department error resulted in the rejection of an application, the Director may authorize additional hunt permit-tags or the awarding of a bonus point in order to correct the error, provided the issuance of additional permits will have no significant impact on the wildlife population to be hunted and the application for a hunt permit-tag would have otherwise been successful based on its random number. An applicant who is denied a hunt permit-tag or a bonus point under this procedure may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 28, 1977 (Supp. 77-3). Amended effective July 24, 1978 (Supp. 78-4). Former Section R12-4-06 renumbered as Section R12-4-104 without change effective August 13, 1981. Amended subsections (N), (O), and (P) effective August 31, 1981 (Supp. 81-4). Former Section R12-4-104 repealed, new Section R12-4-104 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (D) as an emergency effective December 27, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-6). Emergency expired. Amended effective June 20, 1983 (Supp. 83-3). Amended subsection (F)(3) effective September 12, 1984. Amended subsection (F)(9) and added subsections (F)(10) and (G)(3) effective October 31, 1984 (Supp. 84-5). Amended effective May 5, 1986 (Supp. 86-3). Amended effective June 4, 1987 (Supp. 87-2). Section R12-4-104 repealed, new Section R12-4-104 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1).

#### R12-4-105. License Dealer's License

- A. For the purposes of this rule, unless the context otherwise requires:
1. "Dealer outlet" means an individual location authorized to sell licenses by a license dealer's license.
  2. "Dealer number" means a number assigned by the Department to each dealer outlet.
  3. "License" means any hunting or fishing license, stamp, tag, or permit which may be sold by a dealer outlet pursuant to this rule.
  4. "License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.
- B. The Department shall issue a license dealer's license when the following criteria are met:
1. The applicant has not had the privilege to sell licenses for the Department revoked or canceled pursuant to A.R.S. §§ 17-334, 17-338, or 17-339 within the past two calendar years;
  2. The applicant's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
  3. The applicant agrees to assume financial responsibility for licenses provided to dealer outlets by the Department at the maximum value established in R12-4-102, less the dealer commission allowed by A.R.S. § 17-338(B); and
  4. Each dealer outlet specializes in the sale of, or has a department specializing in the sale of, equipment intended for hunting, trapping, or fishing; or
  5. The Department shall assess the need for a license dealer outlet not meeting the criterion set forth at subsection (B)(4) by determining whether a particular outlet is necessary to provide service to the public. The Department shall base its determination on:
    - a. The location and size of the community and the outlet's physical location within the community;
    - b. The outlet's proximity to currently existing dealer outlets; and
    - c. The days and hours the license dealer outlet is open for business to sell hunting and fishing licenses, tags, and stamps.
- C. Upon denial of a license dealer's license by the Department, the applicant may appeal to the Commission pursuant to R12-4-608.
- D. An applicant for a license dealer's license shall obtain from and submit to the Department an application form. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. The applicant shall provide the following:
1. Principal business or corporation name, address, and phone number;
  2. If not a corporation, the full name, address, and phone number of all owners;
  3. Name, business address, and business phone number of the person designated by the applicant as responsible for compliance with this rule;
  4. Whether the applicant has previously sold licenses pursuant to A.R.S. § 17-334;
  5. Whether application is for renewal of a currently existing license dealer's license;
  6. Credit references and a statement of assets and liabilities;
  7. The name, address, and phone number of each dealer outlet, and the name of a person responsible for the sale of licenses at each dealer outlet;
  8. For each outlet, whether the outlet specializes in the sale of hunting, trapping or fishing equipment; if not, the reason the outlet should be approved pursuant to subsection (B)(5) of this rule.
- E. A request to add dealer outlets to a license dealer's license during a license year shall be made on an amended application containing the information required in subsection (D).
- F. The Department shall provide to the license dealer all licenses that the license dealer will make available to the public for sale.
- G. A license dealer shall maintain at each outlet an inventory of licenses for sale to the public. A license dealer may request that the Department provide additional inventory of licenses for sale. The request may be made in writing or verbally. The request shall include the name of the license dealer, the assigned dealer number, a list of the items needed, and the name of the individual making the request. Within 10 calendar days from receipt of a request from a license dealer, the Department shall provide to an outlet the licenses requested unless licenses previously provided to the outlet have not been

acknowledged pursuant to subsection (H) or the outlet is not in compliance with applicable statutes and rules.

- H. Upon receipt of licenses from the Department, the license dealer shall cause the licenses received to be verified as the licenses identified on the shipment inventory provided by the Department with the shipment. The individual performing the verification shall clearly designate any discrepancies on the shipment inventory, sign and date the shipping inventory, and return it to the Department within five working days from receipt of the shipment. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory for a particular outlet accordingly.
- I. A license dealer shall submit the monthly report required by A.R.S. § 17-338 on forms obtained from the Department regardless of whether the license dealer made a sale during the month. The license dealer shall include in the monthly report the following information for each outlet:
  1. Name of dealer outlet and assigned dealer number;
  2. Reporting period;
  3. Number of sales and dollar amount of sales for reporting period, by type of license sold;
  4. Dollar amount of commission;
  5. Debit and credit adjustments for previous reporting periods;
  6. Affidavits received and for which a duplicate was issued pursuant to R12-4-103. A license dealer who fails to submit an affidavit for an issued duplicate shall remit to the Department the face value of the original license replaced;
  7. List of lost or missing licenses; and
  8. Signature of preparer.
- J. The Department shall give written notice of suspension and demand to return all inventory within five calendar days to any license dealer who:
  1. Fails to remit monies due the Department pursuant to A.R.S. § 17-338; or
  2. Issues to the Department more than one check with insufficient funds during a calendar year; or
  3. Fails to comply with any part of this rule.
- K. The value of licenses not returned to the Department pursuant to A.R.S. § 17-339, or upon termination of business by a dealer outlet, or which are reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason, shall be due and payable to the Department within 15 working days of the date the Department provides written notice to the licensed dealer.
- L. In addition to those causes provided at A.R.S. §§ 17-334, 17-338 and 17-339, the Commission may revoke a license dealer's license when the licensed dealer or an employee of the licensed dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.
- M. This rule is effective January 1, 1996.

#### Historical Note

Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4).

#### R12-4-106. Licensing Time-frames

- A. As required by A.R.S. § 41-1072 et seq., the Department shall either grant or deny the following licenses within the listed time-frames. All periods listed are calendar days, and all are maximum time periods. Licenses may be reviewed and issued or denied in less time.

Name of License	Governing Rule	Administrative Completeness Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking Permit	R12-4-410	10 days	170 days	180 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days	30 days
Crossbow Permit	R12-4-216	1 day	29 days	30 days
Disabled Veteran's License	R12-4-202	1 day	29 days	30 days
Falconer License	R12-4-422	10 days	20 days	30 days
Field Trial License	R12-4-415	10 days	20 days	30 days
Field Trial Training Permit	R12-4-416	10 days	20 days	30 days
Fishing Permits	R12-4-310	10 days	20 days	30 days
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
Minnow Dealer's License	R12-4-411	10 days	20 days	30 days
Pioneer License	R12-4-201	1 day	29 days	30 days
Private Game Farm License	R12-4-413	10 days	20 days	30 days
Scientific Collecting Permit	R12-4-418	10 days	20 days	30 days
Shooting Preserve License	R12-4-414	10 days	20 days	30 days
Tournament Fishing Permit	R12-4-215	10 days	20 days	30 days
Watercraft Agents	R12-4-509	10 days	20 days	30 days
White Amur Stocking License	R12-4-424	10 days	20 days	30 days
Wildlife Hobby License	R12-4-419	10 days	20 days	30 days
Wildlife Holding Permit	R12-4-417	10 days	20 days	30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days	60 days
Wildlife Service License	R12-4-421	10 days	50 days	60 days

Zoo License	R12-4-420	10 days	20 days	30 days
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- B.** Issuance of Special License Tags is governed by R12-4-120. Proposals are accepted between July 1 and September 30 of each year. Administrative review is completed by the Department within five days. The Game and Fish Commission makes its decision on issuance or denial in an open meeting within 30 days after the closing date for proposals. The substantive review time-frame is 115 days and the overall time-frame is 120 days.

#### Historical Note

Editorial correction subsections (F) through (G) (Supp. 78-5). Former Section R12-4-09 renumbered as Section R12-4-106 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section adopted June 10, 1998 (Supp. 98-2).

#### R12-4-107. Bonus Point System

- A.** For the purpose of this Section, "bonus point hunt number" means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section.
- B.** The bonus point system grants each person one entry in each drawing for elk, buffalo, bighorn sheep, antelope, or deer for each bonus point which that person has accumulated under this Section. Each bonus point entry is in addition to the entry normally granted by R12-4-104. When processing "group" applications as defined in R12-4-104, the Department shall use the average number of bonus points accumulated by the persons in the group, rounded to the nearest whole number. If the average is .5, the total will be rounded up to the next highest number.
- C.** The Department shall award one bonus point to each applicant who submits a valid Hunt Permit-tag Application Form if all of the following apply:
1. The application is unsuccessful in the drawing, or the application is for a bonus point only;
  2. The application is not for hunt permit-tags left over after the drawing which are available on a first-come, first-served basis as prescribed in R12-4-114; and
  3. The applicant, before the drawing, has purchased a hunting license valid for the year that corresponds with the applicable hunt number. The applicant shall either provide the hunting license number on the application, or submit an application and fees for the license with the Hunt Permit-tag Application Form, indicating that the applicant is to be issued the license even if not drawn for a hunt permit-tag.
- D.** Each applicant for a bonus point shall:
1. Submit a valid Hunt Permit-tag Application Form, as prescribed in R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. Placing the bonus point hunt number as a choice other than the first choice invalidates the application;
  2. Include with the application payment for the applicable hunt permit-tag fee for the particular genus, the permit application fee, and if a license is requested, a fee for the license; and
  3. Submit only one Hunt Permit-tag Application Form for the same genus for each season that bonus points are issued for that season.
- E.** Each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.
- F.** Except for permanent bonus points awarded for hunter education, all of a person's accumulated bonus points for a genus are forfeited if:
1. The person is issued a hunt permit-tag for that genus in a computer drawing; or
  2. The person fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years.
- G.** An applicant issued a first-come hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that tag, and a valid but unsuccessful applicant for a first-come hunt permit-tag remaining after the computer drawing does not gain a bonus point.
- H.** The Department shall award one permanent bonus point for each genus upon a person's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
1. The Department shall credit a person who graduated after January 1, 1980, but before January 1, 1991, or a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification number; name; address; residency status and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for a person other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.
  2. An instructor or a person who has graduated shall submit the required form 30 days before a drawing's application date deadline, specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.
- I.** The Department shall make an applicant's total number of accumulated bonus points available on the Department's web site or IVR telephone system. If the applicant disagrees with the total, the applicant shall provide previous notices or proof of compliance with this Section to prove Department error. In the event of an error, the Department shall correct the applicant's record.
- J.** The Department shall record bonus points under an applicant's Department identification number and the genus on the application. The Department shall not transfer bonus points between persons or genera.
- K.** The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military personnel, military reserve personnel, national guard personnel, or public agency employees who are unable to use a hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this Section. To request that forfeited bonus points be reinstated under these circumstances, an applicant shall submit the following to the Arizona Game and Fish Department, Draw Section, 2222 W. Greenway Rd., Phoenix, AZ 85023:
1. A letter from the applicant requesting reinstatement of bonus points;
  2. The hunt number for which the tag is valid;
  3. Evidence of mobilization or duty status, such as a letter from the public agency or official orders;
  4. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable;
  5. The valid, unused tag, which must be received before the beginning date of the hunt for which the tag is valid, or

evidence of mobilization or activation that precluded the applicant from submitting the tag before the beginning date of the hunt.

#### Historical Note

Former Section R12-4-03 renumbered as Section R12-4-107 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-107 repealed, new Section R12-4-107 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective July 29, 1992 (Supp. 92-3). Section R12-4-107 repealed, new Section R12-4-107 adopted effective January 1, 1999; filed with the Office of the Secretary of State February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1).

#### R12-4-108. Management Unit Boundaries

- A. For the purpose of this rule, parentheses mean “also known as,” and the following definitions shall apply:
1. “FH” means “forest highway,” a paved road.
  2. “FR” means “forest road,” an unpaved road.
  3. “Hwy” means “Highway.”
  4. “mp” means “milepost.”
- B. The state of Arizona shall be divided into units for the purpose of managing wildlife. Each unit shall be identified by a number, or a number and letter. For the purpose of this rule, Indian reservation land contained within management units is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department. See R12-4-117.

- C. Management unit descriptions are as follows:

Unit 1 -- Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; southerly on the Vernon-McNary road (FR 224) to the Fort Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley-Alpine road (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

Unit 2A -- Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.

Unit 2B -- Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.

Unit 2C -- Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on U.S. Hwy 180 (AZ Hwy 61) to Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.

Unit 3A -- Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; southwesterly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho road to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.

Unit 3B -- Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwesterly along U.S. Hwy 60 to the Fort Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary road (FR 224); northerly along this road to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake road; westerly on the Concho-Snowflake road to Snowflake.

Unit 3C -- Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Showlow; northerly along AZ Hwy 77 to Snowflake.

Unit 4A -- Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to the Little Colorado River; easterly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake road; southeasterly along the Woods Canyon Lake road to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B -- Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake road; southerly along the Woods Canyon Lake road to the Mogollon Rim; easterly along the Mogollon Rim to AZ Hwy 260.

Unit 5A -- Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to the Little Colorado River; northerly along the Little Colorado River to the Navajo Indian Reservation boundary; west along the reservation boundary to I-40; southeasterly on I-40 to the Meteor Crater road (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack's Canyon road (FR 69) to AZ Hwy 87; southwesterly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B -- Beginning at Lake Mary-Clint's Well road (FH3) and the south rim of Walnut Canyon (mp 337.5 on FH3); southeasterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to the bottom of Walnut Canyon (mp 210.2 on I-40); southwesterly along Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to the south rim of Walnut Canyon; southwesterly along the south rim of Walnut Canyon to FH3.

Unit 6A -- Beginning at the junction of U.S. Hwy 89A and FR 237; southwesterly on U.S. Hwy 89A to the Verde River; southeasterly along the Verde River to Childs; easterly on the Childs-Strawberry road to the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well road (FH3); northwesterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer Road; west on Mountaineer Road to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B -- Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on that forest road to FR 231 (Woody Mountain Road); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 -- Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 187.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Road); northeasterly on FR 420 to U.S. Hwy 89; north on U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 7M -- Beginning at the junction of Lake Mary-Clint's Well road (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the south rim of Walnut Canyon to the Walnut Canyon National Monument

boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Road); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; south on U.S. Hwy 89 to FR 420 (Schultz Pass Road); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Road); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Road; easterly on Mountaineer Road to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to the south rim of Walnut Canyon (mp 337.5 on FH3).

Unit 8 -- Beginning at the junction of I-40 and U.S. Hwy 89 (in Ash Fork, Exit 146); south on U.S. Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the west boundary of Camp Navajo; north along the boundary to a point directly north of I-40; west on I-40 to U.S. Hwy 89.

Unit 9 - Beginning at the junction of Havasu Creek and the Colorado River; easterly along the Colorado River to Shinumo Wash; southeasterly along Shinumo Wash to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly on the Flagstaff-Valle-Catacrat Creek road to Cataract Creek at Island Tank; northwesterly along Cataract Creek to Havasu Creek; northwesterly along Havasu Creek to the Colorado River; except those portions that are sovereign tribal lands of the Havasupai Tribe.

Unit 10 - Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Road (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to the Colorado River; easterly along the Colorado River to Havasu Creek in Cataract Canyon; southeasterly along Havasu Creek and Cataract Creek in Cataract Canyon to Island Tank; easterly on the Island Tank-Valle road to AZ Hwy 64; south on AZ Hwy 64 to I-40; except those portions that are sovereign tribal lands of the Havasupai Tribe.

Unit 12A -- Beginning at the confluence of the Colorado River and South Canyon; southerly and westerly along the Colorado River to Kanab Creek; northerly along

Kanab Creek to Snake Gulch; northerly, easterly and southerly around the Kaibab National Forest boundary to South Canyon; northeasterly along South Canyon to the Colorado River.

Unit 12B -- Beginning at Shinumo Wash and the Navajo Indian Reservation boundary; northeasterly on the reservation boundary to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to South Canyon; down South Canyon to the Colorado River; northerly along the Colorado River to Shinumo Wash; southeasterly along Shinumo Wash to the Navajo Indian Reservation boundary; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13A -- Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to the Mt. Trumbull road; westerly along the Mt. Trumbull road to the town of Mt. Trumbull (Bundyville); southerly along Main Street from the town Mt. Trumbull (Bundyville) to Whitmore Canyon; southeasterly along the bottom of Whitmore Canyon to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B -- Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to the Mt. Trumbull road; west along the Mt. Trumbull road to the town of Mt. Trumbull (Bundyville); south along Main Street from the town of Mt. Trumbull (Bundyville) to Whitmore Canyon, and southeast along the bottom of Whitmore Canyon to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.

Unit 15A -- Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry road to Antares road; southeasterly on Antares road to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B -- Beginning at Kingman on I-40 (Exit 48); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry road to Antares road; southeasterly on Antares road to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry; southerly on the Hackberry road to its junction with U.S. Hwy 93; north and west on U.S. Hwy 93 and I-40 (Exit 71) to Kingman.

Unit 15C -- Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 15D -- Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93

to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A -- Beginning at Kingman Exit 48 on I-40; south and west on I-40 to AZ Hwy 95 (Exit 9); southerly on AZ Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north and west on U.S. Hwy 93 and I-40 to Kingman (Exit 48).

Unit 16B -- Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to AZ Hwy 95; north on AZ Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 17A -- Beginning at the junction of the Seligman-Prescott road (FR 6) and the Camp Wood road (FR 21); westerly on the Camp Wood road to the west boundary of the Prescott National Forest; north along this boundary to the Baca Grant; east, north and west around the grant to the west boundary of the Prescott National Forest; north and east along this boundary to the Seligman-Prescott road; southerly on this road to the Camp Wood road.

Unit 17B -- Beginning in Prescott; at the junction of Iron Springs road and Williamson Valley road westerly on the Prescott-Skull Valley-Hillside-Bagdad road to Bagdad; northeast on the Bagdad-Camp Wood road (FR 21) to the Seligman-Prescott road (FR 6, Williamson Valley Road); south on this road to the Iron Springs road.

Unit 18A -- Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry road; south on the Hackberry road to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Seligman-Prescott road (FR 6); northerly on this road to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B -- Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the joint Baca Grant Prescott Forest Boundary. Continuing south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad road; southwesterly on this road to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A -- Beginning at AZ Hwy 69 and U.S. Hwy 89 (in Prescott); northerly on U.S. Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwest on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to U.S. Hwy 89; except those

portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69 northwesterly through Prescott to the junction of Williamson Valley Road and Iron Springs road; northerly on the Williamson Valley-Prescott-Seligman road (FR 6, Williamson Valley Road) to AZ Hwy 66 at Seligman; east on Crookton Road (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; northwest to Iron Springs road, west and south on the Iron Springs-Skull Valley-Kirkland Junction road to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes road to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B -- Beginning at the Hassayampa River and U.S. Hwy 93 (in Wickenburg); northeasterly along the Hassayampa River to the Kirkland Junction-Wagoner-Crown King-Cordes road (at Walnut Grove); southerly and northeasterly along this road to I-17 (Exit 259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State Highway 74; west on AZ Hwy 74 to the junction of AZ Hwy 74 and U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Hassayampa River.

Unit 20C -- Beginning at U.S. Hwy 93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland Junction; southeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes road to the Hassayampa River (at Walnut Grove); southwesterly along the Hassayampa River to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River.

Unit 21 -- Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 -- Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to Childs; easterly on the Childs-Strawberry road to the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to the Tonto-Sitgreaves National Forest boundary; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Mohave-Apache Community.

Unit 23 -- Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to

the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the Fort Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A -- Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 88 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B -- Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 88; northerly on AZ Hwys 88 and 288 to the Salt River; westerly along the Salt River to Bush Hwy at the Blue Point Bridge; westerly on Bush Hwy to the Usery Pass road (Ellsworth Road); southerly on the Usery Pass road to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 27 -- Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to the San Carlos-Morenci-Clifton road; west on the San Carlos-Morenci-Clifton road to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to the Three Forks-Williams Valley-Alpine road (FR 249) easterly along the Three Forks-Williams Valley-Alpine road to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 -- Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Clifton-Morenci-San Carlos road to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 -- Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass road; southerly on the Bowie-Apache Pass road to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the Rucker-Turkey Creek cutoff road; southerly on the cutoff road to Rucker Canyon road; easterly on this road to the Tex Canyon road; southerly on this road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line; north along the state line to I-10.

Unit 30A -- Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass road; southerly on the Bowie-Apache Pass road to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the Rucker-Turkey Creek cutoff road; southerly on the cutoff road to Rucker Canyon road; easterly on this road to the Tex Canyon road; southerly on

this road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B -- Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10 Exit 331; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 -- Beginning at Willcox Exit 340 on I-10; north on the Willcox-Bonita-Klondyke road to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 -- Beginning at Willcox Exit 340 on I-10; southwest on I-10 to the San Pedro River; northerly along the San Pedro River to U.S. Hwy 77; northerly along U.S. Hwy 77 to Aravaipa Creek; easterly along Aravaipa Creek to the Klondyke-Bonita-Willcox road; southerly on this road to Willcox Exit 340 on I-10.

Unit 33 -- Beginning at Tangerine road and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station road (Exit 289); northwest on the Marsh Station road to the Agua Verde road; north on the Agua Verde road to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine road.

Unit 34A -- Beginning at I-19 and Grand Avenue in Nogales; northeast on Grand Avenue (U.S. Hwy. 89) to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita road; west along the Sahuarita road alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B -- Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A -- Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to the Lochiel-Canelo Pass-Elgin road; north on this road to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B -- Beginning at Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to the Lochiel-Canelo Pass-Elgin road; north on this road to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A -- Beginning at the junction of Sandario Road and AZ Hwy 86; southwesterly on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca road; easterly on the Arivaca road to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation

boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario road and AZ Hwy 86.

Unit 36B -- Beginning at I-19 and Grand Avenue (U.S. Hwy 89) in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca road; east on the Arivaca road to I-19; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 36C -- Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A -- Beginning at the junction of I-10 and Tangerine road (Exit 240); southeast on I-10 to Avra Valley road (Exit 242); west on Avra Valley road to Sandario road; south on Sandario road to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation boundary; north, east, and west along the reservation boundary to Battaglia road; east on Battaglia road to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy 287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine road; west on Tangerine road to I-10.

Unit 37B -- Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60; east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit 37M -- Beginning at the junction of I-10 and Tangerine road (Exit 240); southeast on I-10 to Avra Valley road (Exit 242); west on Avra Valley road to Sandario road; south on Sandario road to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita road (Exit 75); east on Sahuarita road to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station road (Exit 289); northwest on Marsh Station road to the Agua Verde road; north on the Agua Verde road to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine road; west on Tangerine Road to I-10.

Unit 39 -- Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Reservation; southeasterly along the reservation boundary to Maricopa road; south on this road to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur road to I-8; westerly on I-8 to Exit 87; north on the Sentinel-Sundad road to the Cotton Center-Palo Verde road; northeasterly on the Cotton Center-Palo Verde road to AZ Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that

are sovereign tribal lands of the Tohono O'odham Nation and the Ak-Chin Indian Community.

Unit 39M -- Beginning at I-10 and the Salt River; westerly along the Salt River to the Gila River; westerly along the Gila River to the western boundary of the Gila Indian Reservation; southeasterly along the reservation boundary to Maricopa road; south on Maricopa road to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur road to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation boundary to Battaglia road; east on this road to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; westerly on U.S. Hwy 60 to I-10; westerly on I-10 to the Salt River; except those portions that are sovereign tribal lands of the Gila River Indian Community and the Ak-Chin Indian Community.

Unit 40A -- Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield road; north on this road to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B -- Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 -- Beginning at I-8 and AZ Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the Sentinel-Sundad road to the Cotton Center-Palo Verde road; northerly and easterly on the Cotton Center-Palo Verde road to AZ Hwy 85; northerly on AZ Hwy 85 to Oglesby road; north on Oglesby road to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge road to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome road; southwest on the Castle Dome road to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 -- Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (U.S. 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwest on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye road to the Salome-Hassayampa road; southeasterly on this road to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along this road to the Indian School road; east along Indian School road to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

Unit 42M -- Beginning at the junction of I-17 and the New River Road (Exit 232); west on New River Road to AZ Hwy 74; west on AZ Hwy 74 to the junction with U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwest along the Beardsley Canal to Indian School road; west on Indian School road to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121);

west on I-10 to Oglesby Road (Exit 112); south on Oglesby road to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; east along the Gila River to the Salt River; east along the Salt River to I-10; easterly on I-10 to U.S. Hwy 60; east on U.S. Hwy 60 to the Usery Pass road (Ellsworth Road); north on the Usery Pass road to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along this boundary to the Fig Springs; southwest on Fig Springs Road; west on New River Road to I-17 (Exit 232); except those portions that are sovereign tribal lands of the Salt River Pima-Maricopa Indian Community and the Fort McDowell Mohave-Apache Community.

Unit 43A -- Beginning at AZ Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake road to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley road; east along the Stone Cabin-King Valley road to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill road; northwesterly on this road to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B -- Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on this road to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley road; west along this road to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake road; west and south on this road to the south end of Cibola Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A -- Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge road to I-10; easterly on I-10 to the Salome-Hassayampa road (Exit 81); northwesterly on this road to Eagle Eye road; northeasterly on Eagle Eye road to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B -- Beginning at Quartzite; south on U.S. Hwy 95 to the Crystal Hill road; east on this road to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge road; north on this road to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzite.

Unit 45A -- Beginning at the junction of the Stone Cabin-King Valley road and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley road to O-O Junction; north from O-O Junction on the Kofa Mine road to the Evening Star Mine; north on a line over Polaris Mountain to Midwell; north on the Midwell-

Alamo Spring-Kofa Cabin road to the El Paso Natural Gas Pipeline Road; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Road.

Unit 45B -- Beginning at O-O Junction; north from O-O Junction on the Kofa Mine road to the Evening Star Mine; north on a line over Polaris Mountain to Midwell; north on the Midwell-Alamo Spring-Kofa Cabin road to the El Paso Natural Gas Pipeline Road; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley road; north and west on this road to O-O Junction.

Unit 45C -- Beginning at the junction of the Stone Cabin-King Valley road and Kofa National Wildlife Refuge; south, east, and north along the refuge boundary to the Stone Cabin-King Valley road; north and west on this road to the junction of the Stone Cabin-King Valley road and Kofa National Wildlife Refuge boundary.

Unit 46A -- That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B -- That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

- D.** This rule is effective July 1, 2000 for all Units except Units 20B, 21, and 42M. The subsections governing Units 20B, 21, and 42M are effective July 1, 2001.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective March 5, 1976 (Supp. 76-2). Amended effective May 17, 1977 (Supp. 77-3). Amended effective September 7, 1978 (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-10 renumbered as Section R12-4-108 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective February 4, 1993 (Supp. 93-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 865, effective July 1, 2001 (Supp. 01-1).

#### R12-4-109. Repealed

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Editorial correction paragraph (14) (Supp. 78-5). Former Section R12-4-11 renumbered as Section R12-4-109 without change effective August 13, 1981 (Supp. 81-4). Amended by adding paragraphs (2) and (3) and renumbering former paragraphs (2) through (17) as paragraphs (4) through (19) effective May 12, 1982 (Supp. 82-3). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Section repealed by final rulemaking at 6 A.A.R. 211, effective May 1, 2000 (Supp. 99-4).

#### R12-4-110. Posting and access to state land

- A.** For the purpose of this rule:
1. "Corrals," "feed lots," or "holding pens" mean completely fenced areas used to contain livestock for purposes other than grazing, including feeding, roundup, branding, doctoring, and other related purposes.

2. "Road" includes any maintained or unmaintained road that has been utilized by the public.
  3. "State lands" means all land owned or held in trust by the state of Arizona which is managed by the Arizona State Land Department and lands which are owned or managed by the Arizona Game and Fish Commission.
  4. "Trail" means a path that clearly shows or has a history of established use.
- B.** In addition to those prohibitions against posting in A.R.S. § 17-304, no person shall lock a gate, construct a fence, place an obstacle or otherwise commit an act which denies legally available access to or use of any existing trail or road upon state lands by persons lawfully taking wildlife. Any person in violation of this rule shall be responsible for taking immediate corrective action to remove any locks, fences or other obstacles unlawfully blocking access upon state lands. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any locks, fences or other obstacles unlawfully blocking access upon state lands. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of unlawful postings or obstacles blocking access upon state land.
- C.** The provisions of this rule shall not grant any person the right to trespass upon private land to gain access to any state land.
- D.** State lands within 1/4 mile of any occupied residence, cabin, lodge, or other building and lands within corrals, feed lots or holding pens containing concentrations of livestock other than for grazing purposes, may be posted against hunting or trapping without further action of the Commission.
- E.** State lands other than those referred to in subsection (D) of this rule may be posted to prohibit hunting, fishing or trapping only by permit from the Commission if the Commission determines that the closing is necessary:
1. Because the taking of wildlife would constitute an unusual hazard to permitted users.
  2. To prevent unreasonable destruction of plant life or habitat.
  3. For proper resources conservation, utilization and protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.
- F.** Applications for posting state land to prohibit hunting, fishing or trapping pursuant to subsection (E), or to close a road or trail pursuant to subsection (I), shall be submitted pursuant to R12-4-610. When an application to close state land to hunting, fishing and trapping is made by a person other than the state land lessee, notice shall be given to the lessee and the State Land Commissioner prior to consideration of the application by the Commission. The lessee of the state land or the State Land Commissioner shall have 15 days after receipt of notice within which to file objections in writing to the application after which the matter shall be submitted to the Commission for determination.
- G.** A person may utilize a vehicle on or off a road to pick up legally killed big game animals.
- H.** The closing of state land to hunting, fishing or trapping shall not be deemed to restrict any other permitted use of the land.
- I.** State trust land may be posted with signs that read "State Land No Trespassing" but such posting shall not prohibit access to such land by persons lawfully taking wildlife.
- J.** Permission to lock or obliterate a gate or to close a road or trail providing legally available access to licensed hunters and fishermen to state trust lands may be granted by the Commission

when access to such lands is provided by a reasonable alternate route. The Director may grant a permit for a lessee of state trust lands to temporarily lock a gate or close a road providing access in an area of such lands where persons taking wildlife would cause an unreasonable interference during a critical livestock or commercial operation. Said permit shall not exceed 30 days. Applications for permits in excess of 30 days shall be submitted to the Commission for approval. When a permit is issued granting a temporary road or gate closure, a copy of the permit shall be posted at the point of the closure during the period of the closure.

**K. In exercising hunting, fishing and trapping privileges on state land no licensee shall:**

1. Break or remove any lock or cut any fence to gain access to state land.
2. Intentionally or wantonly destroy, deface, injure, remove or disturb any building, sign, equipment, marker or other property.
3. Harvest or remove any vegetative or mineral resources or object of antiquity, historic, or scientific interest.
4. Appropriate, mutilate, deface, or destroy any natural feature, object or natural beauty, antiquity, or other public or private property.
5. Dig, remove, or destroy any tree or shrub.
6. Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law.
7. Drive or operate motorized vehicles or otherwise conduct himself in a manner that may result in unnecessary frightening or chasing of domestic livestock or wildlife or that unnecessarily endangers the lives or the safety of others.

**Historical Note**

Adopted effective June 1, 1977 (Supp. 77-3). Editorial correction subsection (F) (Supp. 78-5). Former Section R12-4-13 renumbered as Section R12-4-110 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

**R12-4-111. Identification Number**

- A.** An applicant for a Department identification number may either:
1. Assign his or her own number by using his or her social security number; or
  2. Obtain a number from the Department by providing the Department with full name and any aliases, date of birth, and mailing address.
- B.** This rule is effective January 1, 1995.

**Historical Note**

Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-05 renumbered as Section R12-4-111 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-111 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

**R12-4-112. Diseased or injured wildlife**

- A.** The Director may authorize Department employees to condemn, upon request of a licensee, the carcass of a lawfully taken and lawfully possessed diseased or injured big game animal that is, in the opinion of the employee, unfit for human consumption, if this condition was not created by the actions of the person who took the animal.
- B.** The entire big game animal so condemned shall be surrendered to the Department employee.

- C.** After condemnation and surrender of the big game, the licensee may be authorized in writing, by the Department employee, to purchase and use a duplicate tag. Such tag may be purchased from any dealer where the tag is available. The license dealer shall forward the written authorization to the Department with the report of the tag sale.

**Historical Note**

Former Section R12-4-04 renumbered as Section R12-4-112 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

**R12-4-113. Small game depredation permit**

- A.** Pursuant to A.R.S. § 17-239(D), the Commission finds that it is impractical to resolve property damage problems caused by small game by establishing special seasons or bag limits for the purpose of cropping small game by hunters. The Commission does find it practical to waive license fees, bag limits, and seasons for small game depredation.
- B.** The Department may therefore issue a nonfee permit to take small game to the landowner, lessee, livestock operator or municipality suffering damage, when the Department determines that all other remedies to A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of such small game is necessary to alleviate the damage being caused. A small game depredation permit is valid for migratory birds only when the permittee obtains a federal special purpose permit pursuant to 50 CFR 21.27, revised October 1, 1988, not including any later amendments, which is incorporated by reference herein. A copy of the incorporated matter is on file with the Secretary of State and available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- C.** Notwithstanding the requirements of R12-4-304, R12-4-318, and R12-4-309, persons or municipalities issued a small game depredation permit pursuant to this rule may take depredating small game by whatever safe and humane means are practical for the particular situation.

**Historical Note**

Adopted effective August 5, 1976 (Supp. 76-4). Former Section R12-4-12 renumbered as Section R12-4-113 without change effective August 13, 1981 (Supp. 81-4). Amended as an emergency effective September 20, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Amended effective May 5, 1986 (Supp. 86-3). Section R12-4-113 repealed, new Section R12-4-113 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

**R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags**

- A.** In accordance with A.R.S. § 17-332 and the provisions of this Section, the Department shall annually provide numbered tags for sale to the public. The Department shall ensure that each tag includes a transportation and shipping permit as prescribed in A.R.S. §§ 17-332 and 17-371, and that each tag is made of tear-resistant material with an adhesive back covered by a detachable paper backing and clearly identifies the animal for which the tag is valid.
- B.** If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. To obtain a nonpermit-tag, an applicant shall provide to a license dealer or Department office the applicant's name, address, and Department identification number.

2. An applicant shall not apply for or obtain nonpermit-tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit-tags are valid.
- C. If the number of hunt permits for a species in a particular hunt area must be limited, a Commission order establishes a hunt number for that hunt area, and a hunt permit-tag is required to take the species in that hunt area.
  1. To apply for a hunt permit-tag, an applicant shall submit an application under R12-4-104.
  2. The Department shall use the following procedure to determine whether a hunt permit-tag will be issued to an applicant:
    - a. The Department shall reserve a maximum of 10% of the hunt permits for each hunt number to issue to persons and groups who have bonus points that have been issued according to R12-4-107.
    - b. The Department shall issue the reserved hunt permit-tags for hunt numbers designated by eligible applicants as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
      - i. First, to eligible applicants with the greatest number of bonus points for that genus;
      - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next greatest number of bonus points for that genus; and
      - iii. If there are still tags remaining, to the next eligible applicants with the next greatest number of bonus points; continuing until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
    - c. The Department shall ensure that the first selection from all unreserved hunt permit-tags is by random drawing.
    - d. If the bag limit established by Commission order is more than one per calendar year, or if there are hunt permit-tags remaining unissued after the random drawings, the Department shall ensure that these hunt permit-tags are available on a set date on a first-come, first-served basis as specified in the hunt permit-tag application schedule published annually by, and available from, the Department.
- D. The Department shall ensure that no more than 10% of the total available bighorn sheep or buffalo hunt permit-tags in any calendar year are issued to nonresidents and that no more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total available in any hunt number are issued to nonresidents.
- E. The Department shall ensure that no more than 10% of the total available hunt permit-tags are issued to nonresidents for the following hunts, except that when hunt numbers have 10 or less available hunt permit-tags, no more than one hunt permit-tag is issued to a nonresident:
  1. All hunts for bull elk, and
  2. All hunts for antlered deer north of the Colorado River.

#### Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4).

Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1).

#### R12-4-115. Supplemental Hunts and Hunter Pool

- A. For the purposes of this Section, the following definitions apply:
  1. "Management objectives" means goals, recommendations, or guidelines contained in Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;
  2. "Hunter pool" means a file of applications for supplemental hunts; and
  3. "Supplemental hunt" means a season established by the Commission for the following purposes:
    - a. Take of depredating wildlife under A.R.S. § 17-239;
    - b. Take of wildlife under an Emergency Season if the Commission adopts, amends, or repeals a Commission order for reasons constituting an immediate threat to the health, safety, or management of wildlife or its habitat or to public health or safety; or
    - c. Take of wildlife under a population management hunt if the Commission has prescribed restricted nonpermit-tags by Commission order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.
- B. For the purposes of authorizing a population management hunt, the Commission through Commission order shall open a season or seasons and prescribe a maximum number of restricted nonpermit-tags that the Director may issue under this Section.
- C. The Director shall implement a population management hunt under the open season or seasons prescribed in subsection (B) if the Director finds that:
  1. Regular seasons have not met or will not meet management objectives;
  2. Take of wildlife is necessary to meet management objectives; and
  3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D. To implement a population management hunt under subsection (B), the Director shall do the following:
  1. Select season dates, within the range of dates prescribed by the Commission through Commission order;
  2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission order;
  3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission order;
  4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags prescribed by the Commission through Commission order; and
  5. Reduce restricted nonpermit-tag fees up to 75% for population management hunts if the normal fee structure will not generate adequate participation from applicants in the hunter pool.
- E. The Director shall not issue more restricted nonpermit-tags than the maximum number prescribed by the Commission through Commission order.
- F. To participate in a supplemental hunt, a person shall obtain a restricted non-permit tag as prescribed by this Section. A restricted non-permit tag is valid only for the supplemental hunt for which it is issued.

- G.** The Department or its authorized agent shall maintain a hunter pool for supplemental hunts. The hunter pool shall be purged and renewed annually. If the Commission establishes a supplemental hunt, and the number of hunters in the supplemental hunt must be limited, the Department or its authorized agent shall randomly select applicants from the current hunter pool file. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times during a 24-hour period. If an applicant cannot be contacted or cannot participate in the hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit-tags prescribed in subsection (D)(4) have been issued.
- H.** An applicant for a supplemental hunt shall submit the permit application fee prescribed in R12-4-102 along with the following information on a form available from the Department or its authorized agent:
1. Name, address, whether a resident or nonresident, and date of birth;
  2. Daytime and evening telephone numbers; and
  3. The species that the applicant would like to hunt if drawn.
- I.** Neither a current hunting license number nor a fee or application for a hunting license is required with the supplemental hunt application form. The Department shall not accept group applications, as described in R12-4-104, for supplemental hunts.
- J.** A hunter pool applicant who is drawn and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
1. The fee for the tag as prescribed by R12-4-102, or as prescribed by subsection (D)(5) if the fee has been reduced, and
  2. The number of the applicant's hunting license, valid for the year of the supplemental hunt.
- K.** The Department reserves a restricted nonpermit-tag for an applicant only for the period of time specified by the Department when contact is made with the applicant. A restricted nonpermit-tag not purchased within the specified period of time shall be issued to another applicant drawn from the current hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the current hunter pool the application of any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.
- L.** The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit-tag. The issuance of a restricted nonpermit-tag does not authorize an individual to exceed the bag limit established by the Commission for that calendar year.
- M.** The Department shall ensure that no more than 10% of the total available restricted nonpermit-tags issued for population management hunts are issued to nonresidents for the following hunts, except that if population management hunts have 10 or fewer available restricted nonpermit-tags, no more than one restricted nonpermit-tag shall be issued to a nonresident:
1. All hunts for bull elk, and
  2. All hunts for antlered deer north of the Colorado River.

#### Historical Note

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered as Section R12-4-

607 without change effective December 22, 1987 (Supp. 87-4). New Section R12-4-115 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1).

#### R12-4-116. Reward payments

- A.** Subject to the restrictions in A.R.S. § 17-315, any person may claim a reward for providing information to the Department and shall be eligible to receive a reward as prescribed in subsections (D) or (E) of this rule provided that:
1. Funds are available in the wildlife theft prevention fund; and
  2. The claimant requests payment of the reward via the "operation game thief" telephone reporting system and provides the control number prescribed in subsection (B) of this rule; and
  3. When more than one person provides information or evidence leading to an arrest for a single incident, the reward may be divided among the persons supplying information in amounts commensurate with the information or evidence supplied. Once the maximum amount has been paid on any case, no subsequent claim shall be paid; and
  4. Rewards shall not be paid to individuals who provide information resulting in their own arrest; and
  5. Rewards apply only to violations of A.R.S. Title 17 and the rules promulgated thereunder or to federal wildlife violations occurring within Arizona not including on Indian reservations.
- B.** The Department shall advise all individuals providing information that rewards are available and the procedure for claiming a reward. The Department shall also provide each individual with the control number assigned to the reported incident.
- C.** The Department shall verify that the information provided did lead to an arrest before paying a reward.
- D.** Following is the schedule of reward payments per case:
1. In cases involving bighorn sheep, buffalo, elk or bald eagles, \$350;
  2. In cases involving deer, antelope, lion, bear, turkey, javelina or endangered or threatened species as defined in R12-4-401, \$250;
  3. One-half the minimum value established by A.R.S. § 17-314 up to \$150, but not less than \$50, in cases involving wildlife not listed in subsection (D)(1) or (D)(2) of this subsection; or
  4. In cases not covered in subsection (D)(1), (D)(2), or (D)(3) of this subsection, \$50.
  5. In cases involving any big game animal or bald eagle, or endangered or threatened species, up to \$1,000 may be paid, based on the value of the information provided and:
    - a. The unusual value of an animal; or
    - b. The number of animals taken; or
    - c. Arrest for commercialization of wildlife; or
    - d. The arrest of a repeat offender.
- E.** Subsection (D) of this rule notwithstanding, the Department may offer and pay a reward up to the minimum civil value of the wildlife lost, as established by A.R.S. § 17-314, when a violation is discovered and the Department believes that a reward may result in sufficient information to make an arrest.

#### Historical Note

Adopted effective January 10, 1979 (Supp. 79-1). Former Section R12-4-15 renumbered as Section R12-4-116 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 18, 1985 (Supp. 85-6).

Section R12-4-116 repealed, new Section R12-4-116 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

#### **R12-4-117. Indian reservations**

No state license, tag, or permit is required to hunt or fish on any Indian Reservation in this state. Wildlife lawfully taken on an Indian Reservation may be transported or processed anywhere in the state when it can be identified as to species and legality as provided in A.R.S. § 17-309(A)(20). All wildlife transported is subject to inspection under the provisions of A.R.S. § 17-211(D)(4).

##### **Historical Note**

Former Section R12-4-02 renumbered as Section R12-4-117 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-117 repealed, new Section R12-4-117 adopted effective April 10, 1984 (Supp. 84-2).

#### **R12-4-118. Repealed**

##### **Historical Note**

Adopted effective April 8, 1983 (Supp. 83-2). Section R12-4-118 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

#### **R12-4-119. Arizona Game and Fish Department Reserve**

- A. The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
- B. Commissioned reserve officers shall:
  1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification by the Arizona Peace Officer Standards and Training Board as prescribed in 13 A.A.C. 4, and
  2. Assist with wildlife enforcement patrols, boating enforcement patrols, special investigations, and other enforcement and related nonenforcement duties as designated by the Director.
- C. Noncommissioned reserve volunteers shall:
  1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and to the success or safety of the program mission, and
  2. Perform duties as designated by the Director for the purposes of conservation and education to maximize paid staff time.

##### **Historical Note**

Adopted effective September 29, 1983 (Supp. 83-5). Section R12-4-119 repealed, new Section R12-4-119 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1).

#### **R12-4-120. Issuance, sale, and transfer of special big game license tags**

- A. Proposals for special big game license tags pursuant to A.R.S. § 17-346 shall be submitted to the Director of the Arizona Game and Fish Department during the period between July 1 and September 30 preceding the year when the tags may be legally used. The proposal shall contain and identify:
  1. The name of the organization making the request and the names, addresses, and telephone numbers of those members of the organization who are coordinating the proposal.
  2. The number of special big game license tags requested and the species for which each would be valid.
  3. The purpose to be served by the issuance of these tags.
  4. The methods by which the tags would be sold and transferred.

5. The estimated amount of money to be raised and the rationale for that estimate.
6. Any special needs or particulars relevant to the proposal, including time-frame, limitations, or schedules.
7. Unless a current and correct copy is already on file with the Department, one copy of the organization's articles of incorporation shall accompany the proposal with proof that the organization has tax-exempt status.
8. The proposal or a letter accompanying the proposal shall include a statement that the proposer agrees to the conditions set forth in A.R.S. § 17-346 and this rule and shall be signed and dated by the president and secretary-treasurer of the organization or their equivalent.

- B. The Director shall return to the applicant any application which does not conform with the requirements of A.R.S. § 17-346 or this rule but shall submit all timely and valid applications to the Commission for consideration. In selecting an applicant, the Commission shall consider the written proposal and the proposed uses for tag proceeds, the qualifications of the applicant as a fund raiser, the proposed fund raising plan, the applicant's previous involvement with wildlife management, and its conservation objectives. The Commission may accept any proposal in whole or in part and may reject any proposal when it is in the best interest of wildlife to do so. Commission approval and issuance of any special big game license tag is contingent upon compliance with subsections (C) and (D) of this rule.
- C. All successful applicants shall agree in writing to the following:
  1. To underwrite all promotional and administrative costs to sell and transfer each special big game license tag;
  2. To transfer all proceeds to the Department for the purposes of wildlife management;
  3. To sell and transfer each special big game license tag as described in the proposal;
  4. To provide the Department with the name, address, and physical description of each individual to whom each special big game license tag is transferred.
- D. The Department and the successful applicant shall agree to:
  1. The specific projects or purposes identified in the proposal.
  2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit.
  3. The dates when the wildlife project or purpose will be accomplished.
- E. All proceeds generated by the sale or transfer of a special big game license tag shall be dedicated for use for the species for which the tag was issued and shall not be refunded.
- F. A special big game license tag shall be valid only for the individual named on the tag and for the species for which the tag was issued and shall not require a hunting license to be valid. Possession of a special big game license tag shall not invalidate any other big game tag or application for any other big game tag. Wildlife taken under the authority of a special big game license tag shall not count in the normal bag limit for that species.

##### **Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Amended effective April 7, 1987 (Supp. 87-2). Correction, balance of language in subsection (I) is deleted as certified effective April 7, 1987 (Supp. 87-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

**R12-4-121. Big Game Permit or Tag Transfer**

- A. A parent or guardian to whom a big game permit or tag is issued may transfer the unused permit or tag to the parent's or guardian's minor child, if:
1. The minor child is from 10 to 17 years old on the date of transfer,
  2. The minor child has a valid class F or G hunting license on the date of transfer, and
  3. A minor child less than 14 years old has satisfactorily completed a Department-approved hunter education course by the date of transfer.
- B. A parent or guardian may obtain a transfer, in person, at any Department office. To obtain a transfer, a parent or guardian shall provide the following:
1. Proof of ownership of the big game permit or tag to be transferred;
  2. The minor's class F or G general or lifetime hunting license, and if the minor is less than 14 years old, proof of satisfactory completion of a Department-approved hunter education course; and
  3. The unused big game permit or tag.
- C. The Department shall issue a transfer permit or tag in the name of the minor child.
- D. This rule is effective July 1, 2001.

**Historical Note**

Adopted effective October 10, 1986, filed September 25, 1986 (Supp. 86-5). Rule expired one year from effective date of October 10, 1986. Rule readopted without change for one year effective January 22, 1988, filed January 7, 1988 (Supp. 88-1). Rule expired effective January 22, 1989 (Supp. 89-1). New Section R12-4-121 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Repealed effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). New Section made by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2).

**R12-4-122. Handling, transportation, processing and storing of game meat given to public institutions and charitable organizations**

- A. Pursuant to A.R.S. § 17-240 and this rule, the Department may donate the following wildlife, except that the Department shall not donate any portion of an animal killed in a collision with a motor vehicle or which has died subsequent to immobilization by any chemical agent:
1. Big game, except bear, lion, and javelina;
  2. Upland game birds;
  3. Migratory game birds;
  4. Game fish.
- B. The Director shall not authorize any employee to handle game meat for the purpose of this rule until the employee has satisfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. The course shall be conducted or approved by the State Veterinarian. A certificate shall be provided to the employee to certify satisfactory completion of the course.
- C. Only employees authorized by the Director shall handle game meat determined safe and appropriate for donation. Carcasses shall be inspected and field dressed prior to transport. The game meat shall be in Department possession for the purpose of transport for a period not to exceed 48 continuous hours and shall be reinspected for wholesomeness prior to final delivery to the recipient.
- D. Final processing and storage shall be the responsibility of the recipient.

**Historical Note**

Adopted effective August 6, 1991 (Supp. 91-3).

**R12-4-123. Expenditure of Funds**

- A. The Director may expend funds arising from appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:
1. For purposes designated by lawful Commission agreements and Department guidelines;
  2. In agreement with budgets approved by the Commission;
  3. In agreement with budgets appropriated by the legislature;
  4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.
- B. The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3).

**ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS****R12-4-201. Pioneer license**

- A. In addition to urban fishing privileges granted in A.R.S. § 17-333(A)(9), a pioneer license shall grant all of the hunting and fishing privileges of a Class F combination hunting and fishing license.
- B. Persons meeting the criteria set forth in A.R.S. § 17-336(1) may apply for a pioneer license as follows:
1. Persons who have not previously been granted a pioneer license shall submit one of the following documents with their application. Original or certified copies shall be returned to the applicant after the Department has verified receipt on the application form.
    - a. Passport; or
    - b. Original or certified copy of the applicant's birth certificate; or
    - c. Original or photocopy of valid Arizona driver's license; or
    - d. Original or photocopy of valid Arizona Motor Vehicle Division identification card.
  2. Application shall be made on a form available from any Department office. The form shall include an affidavit to be signed by the applicant attesting that the applicant has been a resident of this state for 25 or more consecutive years immediately preceding application for the license. The applicant shall provide the following on the form:
    - a. Full name, age, date of birth, identification number, and physical description;
    - b. Current residence address, or physical location of residence;
    - c. The year Arizona residency was established;
    - d. Current mailing address;
    - e. Applicant's signature shall be either witnessed by a Department employee or notarized.
- C. Failure to comply with subsection (B) of this rule, or providing false information upon or with the application for a pioneer license, shall result in denial of the license.
- D. The Department shall issue the license or deny the application within 30 calendar days of receipt of the documents prescribed in subsection (B).
- E. The Department shall issue a duplicate pioneer license without charge upon written request from the licensee stating that the original license has been lost or destroyed, when Department

records prove that the original pioneer license was issued to the licensee.

- F. This rule is effective January 1, 1995.

#### Historical Note

Former Section R12-4-31 renumbered as Section R12-4-201 without change effective August 13, 1981. New Section R12-4-201 amended effective August 31, 1981 (Supp. 81-4). Amended subsection (B) effective December 9, 1985 (Supp. 85-6). Amended subsections (D) and (E), and changed application for a Pioneer License effective September 24, 1986 (Supp. 86-5). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

#### R12-4-202. Disabled Veteran's License

- A. A disabled veteran's license shall grant all of the hunting and fishing privileges of a Class F combination hunting and fishing license and an urban fishing license.
- B. Persons meeting the criteria set in A.R.S. § 17-336(2) may apply for a disabled veteran's license as follows. Eligibility for the license is based on 100% disability and not on the percentage of compensation.
1. An applicant for a disabled veteran's license shall apply on an application form available from any Department office. The applicant shall provide the following on the application form:
    - a. Full name and date of birth, and physical description;
    - b. Current residence address, or physical location of residence;
    - c. Current mailing address;
    - d. If applicant has resided at the current location for less than one year, the residence address or physical location of each residence within the year immediately preceding application;
    - e. Applicant's signature, either witnessed by a Department employee or notarized.
  2. The applicant shall submit, as part of the application, an original certification, issued within 90 days of application, from the Department of Veterans Affairs. The Department shall issue the license only if the Department of Veterans Affairs certification includes the following information:
    - a. Full name and date of birth of the applicant;
    - b. Certification that the applicant is receiving compensation for permanent service-connected disabilities rated as 100% disabling;
    - c. Certification that the 100% rating is permanent and will not require reevaluation, or that the 100% rating is permanent but will be reevaluated in three years;
    - d. Signature and title of an agent of the Department of Veterans Affairs issuing or approving the certification.
- C. The Department shall deny a disabled veteran's license if the applicant fails to comply with the requirements of this Section or if the applicant provides false information upon or with the application for a disabled veteran's license.
- D. The Department shall issue a duplicate disabled veteran's license without charge upon written request from the licensee stating that the original license has been lost or destroyed, when Department records prove that the original disabled veteran's license was issued to the licensee.
- E. A disabled veteran's license is valid for three years from the date of issuance. If the Department of Veterans Affairs certi-

fies that the applicant's disability rate of 100% is permanent and will not be reevaluated, a new certification is not required for renewal.

#### Historical Note

Former Section R12-4-66 renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-43 renumbered as Section R12-4-202 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 31, 1984 (Supp. 84-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-202 adopted effective December 22, 1989 (Supp. 89-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4).

#### R12-4-203. National Harvest Information Program (HIP)

- A. An individual taking ducks, geese, swans, doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse in the state of Arizona shall participate in the National Harvest Information Program. Participation requires:
1. A person taking ducks, geese, or swans shall have in possession an Arizona state waterfowl stamp, affixed to a Class F, G, or H, complimentary or lifetime license. The stamp expires on June 30 of each year.
  2. A person taking doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse shall have in possession an Arizona state migratory bird stamp, affixed to a Class F, G, or H, complimentary or lifetime license. The stamp expires on June 30 of each year.
- B. The Department shall make state waterfowl stamps and state migratory bird stamps available annually from July 1 through March 10.
1. To obtain a state waterfowl stamp or state migratory bird stamp, a person shall pay the required fee and complete and submit a HIP registration form to the license dealer or Department office. The HIP registration form shall include the person's name, mailing address, date of birth, and information on past and anticipated hunting activity.
  2. A license dealer shall submit HIP registration forms for all state waterfowl stamps and state migratory bird stamps sold with the monthly report required by A.R.S. § 17-338.
- C. This rule is effective July 1, 2000.

#### Historical Note

Amended effective March 7, 1979 (Supp. 79-2).  
Amended effective April 22, 1980 (Supp. 80-2).  
Amended subsections (A), (C), (D), and (G) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-41 renumbered as Section R12-4-203 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (C), (E), (G) and added Form 7016 (Supp. 81-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section adopted effective July 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1).

#### Editor's Note

For similar subject matter, see Section R12-4-411.  
This editor's note does not apply to the new Section adopted effective July 1, 1997 (Supp. 96-4).

#### R12-4-204. Repealed

#### Historical Note

Amended effective May 31, 1976 (Supp. 76-3). Correction, Historical Note Supp. 76-3 should read "Amended

effective May 3, 1976" (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective March 20, 1981 (Supp. 81-2). Former Section R12-4-32 renumbered as Section R12-4-204 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

#### Editor's Note

For similar subject matter, see Section R12-4-412.

#### R12-4-205. Repealed

##### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Editorial correction subsection (A) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective September 23, 1980 (Supp. 80-5). Former Section R12-4-33 renumbered as Section R12-4-205 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

#### Editor's Note

For similar subject matter, see Section R12-4-413.

#### R12-4-206. Repealed

##### Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-34 renumbered as Section R12-4-206 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

#### Editor's Note

For similar subject matter, see Section R12-4-414.

#### R12-4-207. Repealed

##### Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-35 renumbered as Section R12-4-207 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

#### Editor's Note

For similar subject matter, see Sections R12-4-415 and R12-4-416.

#### R12-4-208. Guide License

- A. A person shall not act as a guide as defined in A.R.S. § 17-101 without a valid guide license. The Department shall issue the following guide licenses to eligible applicants:
  1. A hunting guide license, authorizing the licensee to act as a guide for taking wildlife, other than aquatic wildlife.
  2. A fishing guide license, authorizing the licensee to act as a guide for taking aquatic wildlife only.
  3. A hunting and fishing guide license, authorizing the licensee to act as a guide for taking all wildlife.
- B. The Department shall not issue a guide license to an applicant if any of the following apply:
  1. The applicant has been convicted, within five years preceding application, of a felony violation of any of the following federal laws:
    - a. Lacey Act, 16 U.S.C. 3371-3378.
    - b. Endangered Species Act, 16 U.S.C. 1531-1543.
    - c. Bald Eagle Protection Act, 16 U.S.C. 668-668c.
    - d. Airborne Hunting Act, 16 U.S.C. 742j-1.
    - e. Migratory Bird Treaty Act, 16 U.S.C. 703-711.
  2. The applicant has been convicted, within five years preceding application, of a violation of the provisions of A.R.S. § 17-309(D).

3. The applicant's privilege to take or possess wildlife is under current suspension or revocation by the government of any state or of the United States.
- C. The Department shall issue a guide license to an applicant who satisfies the requirements of A.R.S. § 17-362 and meets the following criteria:
  1. An applicant for a hunting guide license shall:
    - a. Have a current Arizona hunting license.
    - b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
      - i. A.R.S. Title 17, Arizona Game and Fish Laws, and the rules on taking and handling of terrestrial wildlife;
      - ii. Requirements for guiding on federal lands;
      - iii. Identification of wildlife, special state and federal laws that cover certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat;
      - iv. General knowledge of the types of habitat within the state, and knowledge of special jurisdictions.
  2. An applicant for a fishing guide license shall:
    - a. Have a current Arizona fishing license.
    - b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
      - i. A.R.S. Title 17, Arizona Game and Fish Laws, and the rules on taking and handling of aquatic wildlife;
      - ii. A.R.S. Title 5, Chapter 3, Arizona Boating and Watersport Laws, and the rules on boating;
      - iii. Identification of aquatic wildlife species.
      - iv. General knowledge of special or concurrent jurisdictions upon bodies of water within the state.
  3. An applicant for a hunting and fishing guide license shall:
    - a. Have a current Arizona hunting and fishing license;
    - b. Answer correctly at least 80% of the questions in the written examination required in subsection (C)(1) and the written examination required in subsection (C)(2).
  4. An applicant shall apply for a guide license according to subsections (E) and (F).
- D. The Department shall give the examinations required in subsection (C) quarterly at a Department Office. The Department shall provide exact dates for examinations by the first working day of each year. The written examination score shall be mailed to the applicant within seven working days of the examination date.
- E. An applicant for a guide license shall obtain from and submit to the Department an application form providing the following information:
  1. Applicant's full name, address, telephone number, residency status, date of birth, identification number, and physical description.
  2. Designation of guide license sought:
    - a. Hunting guide.
    - b. Fishing guide.
    - c. Hunting and fishing guide.
  3. Applicant's current Arizona hunting and fishing license numbers, as applicable.
  4. Responses to questions regarding applicant's eligibility for licensure under subsection (B).
  5. Applicant's signature.

- F. An applicant for a guide license shall also submit the following with the application form:
1. Applicant's original written examination score, dated within the past 12 months, for each examination required in subsection (C).
  2. One of the following as proof of the applicant's identification. The Department shall return an original or certified copy to the applicant after the Department has verified receipt on the application form:
    - a. Passport;
    - b. Original or certified copy of birth certificate;
    - c. Original or photocopy of valid driver's license; or
    - d. Original or photocopy of valid Motor Vehicle Division identification card.
- G. The Department shall deny a guide license if the applicant fails to comply with the requirements of this Section or if the applicant provides false information upon or with the application for a guide license. Any guide license so obtained is void and of no effect from the date of issuance.
- H. A person acting as a guide, who may or may not be hunting with the aid of dogs, shall not pursue any wildlife or hold at bay any wildlife for a hunter unless the hunter is present. The hunter shall be continuously present during the entire pursuit of that specific animal. When dogs are being used, the hunter shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit. Any wildlife taken in violation of this subsection is unlawfully taken. A person shall hold wildlife at bay only during daylight hours except when Commission order authorizes take of the species at night.
- I. A licensed guide, when acting as a guide, shall carry an original or legible copy of the valid guide license and shall exhibit it upon request to any peace officer.
- J. A guide license expires on December 31 of the year of issuance and may be renewed for the new license year:
1. The Department shall accept an application for renewal of a guide license after December 1 of the year preceding the new license year but shall not start the application administrative review process, required by A.R.S. § 41-1072 et seq., prior to January 10 of the new license year unless the applicant's annual report required by A.R.S. § 17-362 is received by the Department.
  2. The current guide license shall remain valid pending Department action on the application for renewal, only if the application is made prior to the guide license expiration date and the annual report required by A.R.S. § 17-362 is received by January 10 of the new license year.
- K. The Department shall renew a guide license only if the applicant continues to satisfy the requirements of A.R.S. § 17-362 and meets the following criteria:
1. The applicant is not ineligible under subsection (B).
  2. The applicant has a current Arizona hunting or fishing license as required for the guide license sought.
  3. The applicant applies for a guide license as required in subsection (E).
  4. The applicant has submitted the annual report for the preceding license year required by A.R.S. § 17-362.
  5. The applicant takes or re-takes and passes each applicable written examination required in subsection (C), only if required to do so because:
    - a. The applicant is seeking to add a guiding authority to a current guide license.
    - b. The applicant for hunting guide authority has been convicted, within one year preceding application, of a violation of A.R.S. Title 17, Arizona Game and Fish Laws, or the rules governing the taking and handling of terrestrial wildlife.
- c. The applicant for fishing guide authority has been convicted, within one year preceding application, of a violation of A.R.S. Title 17, Arizona Game and Fish Laws, the rules governing the taking and handling of aquatic wildlife, A.R.S. Title 5, Chapter 3, Arizona Boating Laws, or the rules governing boating and water sports.
- d. The applicant failed to submit the renewal application prior to the expiration date of the guide license.
- e. The applicant failed to submit by January 10 of the new license year the annual report for the preceding license year required by A.R.S. § 17-362.
- L. The Commission may revoke a guide license issued to any person for conviction regarding a violation of statute or rule as provided in A.R.S. § 17-362(A), for revocation or suspension of any license held by the guide as provided in A.R.S. § 17-340, for conviction of a felony violation of the laws listed in subsection (B), or for revocation of the privilege to take wildlife by any government jurisdiction.
- M. This rule is effective January 1, 2000.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-40 renumbered as Section R12-4-208 without change effective August 13, 1981 (Supp. 81-4). Former rule repealed, new Section R12-4-208 adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4).

**R12-4-209. Repealed****Historical Note**

Adopted effective March 20, 1981 (Supp. 81-2). Former Section R12-4-42 renumbered as Section R12-4-209 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

**Editor's Note**

For similar subject matter, see Section R12-4-417.

**R12-4-210. Repealed****Historical Note**

Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective January 20, 1977 (Supp. 77-1). Editorial correction subsection (A), paragraph (2) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective March 17, 1981 (Supp. 81-2). Former Section R12-4-39 renumbered as Section R12-4-210 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 16, 1982 (Supp. 82-6). Repealed effective April 28, 1989 (Supp. 89-2).

**Editor's Note**

For similar subject matter, see Section R12-4-418.

**R12-4-211. Repealed****Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Amended effective October 9, 1980 (Supp. 80-5). Former Section R12-4-36 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

**Editor's Note**

For similar subject matter, see Section R12-4-419.

**R12-4-212. Repealed****Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective January 1, 1977 (Supp. 76-5). Former Section R12-4-37 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

**Editor's Note**

For similar subject matter, see Section R12-4-422.

**R12-4-213. Repealed****Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-38 renumbered as Section R12-4-213 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2).

**Editor's Note**

For similar subject matter, see Section R12-4-420.

**R12-4-214. Repealed****Historical Note**

Former Section R12-4-67 renumbered as Section R12-4-214 without change effective August 13, 1981 (Supp. 81-4). Repealed effective December 22, 1989 (Supp. 89-4).

**R12-4-215. Tournament Fishing Permit Regulations**

- A. Application for a tournament fishing permit pursuant to A.R.S. § 17-347 requires that the following information be provided by the tournament director to the Department:
  1. Name of tournament director, date of birth, telephone number, and mailing address. The "tournament director" means the individual designated by the sponsor as the person responsible for compliance with this rule.
  2. Tournament name and sponsor.
  3. Location and dates.
  4. Anticipated number of participants.
- B. A tournament fishing permit shall be available for inspection by Department personnel at the weigh-in sites.
- C. This rule is effective January 1, 1995.

**Historical Note**

Adopted effective December 9, 1982 (Supp. 82-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

**R12-4-216. Crossbow Permit**

- A. "Crossbow permit" means a document issued by the Department that authorizes the named hunter to use a crossbow during an archery-only season established under R12-4-318.
- B. A crossbow permit is valid only when the legal animal for the archery-only season may otherwise be taken by crossbow under R12-4-304. Possession of a crossbow permit does not waive any other requirement regarding method of take or licensing.
- C. An applicant for a crossbow permit shall apply on an application form available from any Department office. The applicant shall provide the following on the application form:
  1. Applicant's name, identification number, mailing address, and telephone number.
  2. A statement from an M.D., doctor of medicine, licensed under A.R.S. § 32-1421 et seq. or a D.O., doctor of osteo-

pathic medicine, licensed under A.R.S. § 32-1821 et seq., attesting that the applicant has a permanent disability of at least 90% impairment of function of one arm and providing the physician's typed or printed name, business address, and signature.

- D. All information and documentation provided by an applicant for a crossbow permit is subject to verification by the Department.
- E. The Department shall return, without denial or approval, an incomplete application for a crossbow permit unless the Department is able to obtain the information needed to complete the application. The Department shall attach a letter to a returned application that explains why the application is returned.
- F. When an applicant is able to provide verbally the information that caused an application for a crossbow permit to be incomplete, the Department shall add the information to the application, note where each change is made, date each change, and indicate the source of the added information.
- G. The Department shall provide written notice to an applicant whose application for a crossbow permit is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. § 41-1092.02 through 41-1092.12.
- H. A crossbow permit is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- I. When acting under the authority of a crossbow permit, the crossbow permittee shall be in possession of and exhibit the crossbow permit upon request of a peace officer.
- J. A crossbow permittee shall not transfer the permit to another individual or allow another individual to use the permit issued to the crossbow permittee.
- K. After a hearing and upon sufficient cause showing, the Commission shall revoke the crossbow permit of a crossbow permittee who transfers the permit to another individual or allows another individual to use the permit. An individual whose crossbow permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.
- L. This rule is effective January 1, 2000.

**Historical Note**

Adopted effective April 7, 1983 (Supp. 83-2). Repealed effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). New Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4).

**R12-4-217. Challenged Hunter Access/Mobility Permit**

- A. The Department shall issue to qualified individuals a Challenged Hunter Access/Mobility Permit, also known as a CHAMP, that allows the following activities by the licensed hunter to whom the CHAMP is issued:
  1. Discharge of a firearm or other legal hunting device from a motor vehicle when, under existing conditions, the discharge is otherwise lawful and the motor vehicle is motionless, is not on any road as defined by A.R.S. § 17-101, and has its engine turned off;
  2. Discharge of a firearm or other legal hunting device from a watercraft (except a sinkbox), including those propelled by a motor, sail and wind, or both; when the motor has been shut off, the sail furled, or both; and progress has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or propelled by paddle, oars, or pole. A watercraft under power may be used to retrieve dead or wounded wildlife but no discharge of a firearm is permitted while the watercraft is underway;

3. Access to off-road locations in a motor vehicle when the access is not in conflict with other law and the motor vehicle is used as a place to wait for game. A motor vehicle shall not be used to chase or pursue game;
4. Designation of an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this rule.
- B.** A qualified individual who possesses a CHAMP shall comply with all legal requirements governing method of take and licensing.
- C.** An applicant for a CHAMP shall apply on an application form available from any Department office. The applicant shall provide the following on the application form:
  1. Applicant's name, identification number, mailing address, and telephone number.
  2. A statement from an M.D., doctor of medicine, licensed under A.R.S. § 32-1421 et seq. or a D.O., doctor of osteopathic medicine, licensed under A.R.S. § 32-1821 et seq., that includes the physician's printed or typed name, business address, and signature, attesting that the applicant is permanently disabled as follows:
    - a. Has a disability or combination of disabilities creating a minimum impairment of function of or equivalent to no less than 90% loss of function in one leg or no more than 10% maximal functional use in one leg regardless of the functional level of the other leg; or
    - b. Has a visual field of no more than 20% in the better eye; or
    - c. Has vision in the better eye of 20/200 or less after best correction.
- D.** All information and documentation provided by the applicant for the CHAMP is subject to verification by the Department.
- E.** The Department shall return, without denial or approval, an incomplete application for a CHAMP unless the Department is able to obtain the information needed to complete the application. The Department shall attach a letter to a returned application that explains why the application is returned.
- F.** When an applicant is able to provide verbally the information that caused an application for a CHAMP to be incomplete, the Department shall add the information to the application, note where each change is made, date each change, and indicate the source of the added information.
- G.** The Department shall provide written notice to an applicant whose application for a CHAMP is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. § 41-1092.02 through 41-1092.12.
- H.** While a motor vehicle or watercraft is in use under subsection (A), the CHAMP permittee shall display on the motor vehicle or watercraft the CHAMP vehicle placard issued by the Department with the CHAMP.
- I.** The Department shall provide CHAMP permittees with a dispatch permit that the CHAMP permittee may use to designate a licensed hunter as an assistant to dispatch and retrieve or to retrieve an animal wounded or killed by the CHAMP permittee. The CHAMP permittee shall designate the assistant only after the animal is wounded or killed. The CHAMP permittee shall ensure that designation on the permit is in ink and includes a description of the animal, the assistant's name and hunting license number, and the date and time the animal was wounded or killed. The CHAMP permittee shall also ensure compliance with the following requirements:
  1. The site where the animal is wounded and from which tracking begins is marked so it can be identified later.
  2. The assistant possesses the dispatch permit while tracking and dispatching the wounded animal.
3. The CHAMP permittee is in the field while the assistant is tracking and dispatching the wounded animal.
4. The assistant does not transfer the dispatch permit to anyone except the CHAMP permittee.
5. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season.
6. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP permittee, and the tag of the CHAMP permittee is affixed to the carcass.
7. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP permittee who strikes the name and authorization of the assistant from the dispatch permit.
- J.** A dispatch permit is void when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass.
- K.** A CHAMP is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- L.** When acting under the authority of the CHAMP, the permittee shall be in possession of and exhibit the CHAMP upon request to a peace officer.
- M.** A CHAMP permittee shall not transfer the permit to another individual or allow another individual to use the permit issued to the CHAMP permittee.
- N.** After a hearing and upon sufficient cause showing, the Commission shall revoke the CHAMP of a permittee who transfers the permit to another individual or allows another individual to use the permit, or upon conviction of violating A.R.S. § 17-312 or any law governing the take of wildlife, or for violation of this rule. An individual whose CHAMP permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.
- O.** This rule is effective January 1, 2000.

#### Historical Note

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4).

#### R12-4-218. Repealed

#### Historical Note

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective November 7, 1996 (Supp. 96-4).

#### R12-4-219. Renumbered

#### Historical Note

Adopted as an emergency effective July 5, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-

4). Emergency expired. Readopted without change as an emergency effective January 24, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2).

#### **R12-4-220. Repealed**

##### **Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

### **ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

#### **R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks**

- A.** Lands and water within the boundaries of all Maricopa County parks are open to hunting and trapping when a Commission order establishes an open season. Individuals may use only the following methods of take:
  1. Archery hunting, when lawful for the wildlife taken under R12-4-304.
  2. Shotguns shooting shot, when taking small game, predatory, furbearing, and nongame animals during quail season in Lake Pleasant, White Tank Mountains, McDowell Mountain, and Estrella Mountain regional park, subject to subsection (F).
- B.** An individual is prohibited from using rifled firearms within all Maricopa County parks except to take deer during deer seasons established by Commission order with concurrence of the Maricopa County Recreation Services Department.
- C.** An individual shall not trap within any Maricopa County park except under the provisions of A.R.S. § 17-239, or when the Maricopa County Recreation Services Department and the Arizona Game and Fish Department determine that wildlife numbers need to be reduced in a park area because of a danger to the public or other wildlife.
- D.** An individual shall not hunt within 1/4 mile of any developed picnic area, boat ramp, shooting range, golf course, or other recreational area developed for public use.
- E.** Individuals entering any Maricopa County park for the purpose of hunting shall declare their intention of hunting and pay any fees required by Maricopa County Recreation Services Department at an entry station when entering the park, if the park has an entry station in operation.
- F.** This rule does not authorize an individual to use a method of take that is prohibited by a city ordinance.

##### **Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976, Amended effective June 7, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Editorial correction subsection (D) (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-50 renumbered as Section R12-4-301 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (A) effective May 12, 1982 (Supp. 82-3). Amended effective July 3, 1984 (Supp. 84-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rule-making at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### **R12-4-302. Use of Tags**

- A.** In addition to meeting the requirements of A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B.** A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C.** An individual who takes wildlife shall not possess a tag issued to anyone else or attach to wildlife a tag issued to anyone else, except as provided in R12-4-217.
- D.** An individual shall not allow a tag issued to that individual to be attached to wildlife killed by anyone else, except as provided in R12-4-217.
- E.** An individual shall not attach a tag issued to that individual to wildlife killed by anyone else, except as provided in R12-4-217.
- F.** An individual shall take and tag only the wildlife identified on the tag.
- G.** An individual shall use a hunt permit-tag only in the season and hunt area for which the hunt permit-tag is valid.
- H.** An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established for that genus or species.
- I.** Unless exempted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach his or her valid tag to the wildlife carcass in the following manner:
  1. Remove all of the detachable paper covering from the adhesive back of the tag;
  2. Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible and:
    - a. For a deer, elk, or antelope, seal the tag around the antler or horn, or through the gambrel of a hind leg;
    - b. For a javelina, bighorn sheep, mountain lion, buffalo, or bear, seal the tag through the gambrel of a hind leg; and
    - c. For a turkey, sandhill crane, or pheasant, seal the tag around the neck or a leg.
- J.** If a tag has been sealed or mutilated, or the transportation and shipping permit portion of the tag is signed or filled out, the tag is no longer valid for taking wildlife.

##### **Historical Note**

Former Section R12-4-51 renumbered as Section R12-4-302 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (D), (E), and repealed subsection (G) effective May 12, 1982 (Supp. 82-3). Amended effective March 23, 1983 (Supp. 83-2). Amended subsection (F) effective October 31, 1984 (Supp. 84-5). Amended subsections (A), (D), (F) and (G) and added a new Section (H) effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section R12-4-302 repealed, new Section R12-4-302 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rule-making at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### **R12-4-303. Unlawful Devices, Methods, and Ammunition**

- A.** In addition to the prohibitions prescribed in A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state. An individual

shall not use or possess any of the following while taking wild-life:

1. Fully automatic firearms, including firearms capable of selective automatic fire;
  2. Tracer, armor-piercing, or full-jacketed ammunition designed for military use;
  3. Shotguns larger than 10 gauge or shotguns capable of holding more than five shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun, and that limits the magazine capacity to five shells;
  4. Semiautomatic centerfire rifles with a magazine capacity of more than five cartridges, unless the magazine is modified with a filler or stop that cannot be removed without disassembling the magazine;
  5. Contrivances designed to silence, muffle, or minimize the report of a firearm;
  6. Poisoned projectiles, or projectiles that contain explosives; or
  7. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted in A.R.S. § 17-239, or as allowed by a scientific collecting permit issued under A.R.S. § 17-238.
- B.** An individual shall not place substances in a manner intended to attract bears.
- C.** An individual shall not use manual or powered jacking or prying devices to take reptiles or amphibians.
- D.** An individual shall not use live decoys, recorded bird calls, electronically amplified bird calls, or baits to take migratory game birds, as prohibited by 50 CFR 20.21, revised June 14, 2001. This material is incorporated by reference in this Section, but does not include any later amendments or editions. A copy is available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 29, 1977 (Supp. 77-2). Amended effective September 7, 1978 (Supp. 78-5). Former Section R12-4-52 renumbered as Section R12-4-303 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 28, 1983 (Supp. 83-2). Amended subsections (A) and (C) effective October 31, 1984 (Supp. 84-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### **R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles**

- A.** An individual may use the following methods to take big game, subject to the restrictions in R12-4-318.
1. To take antelope:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs;

- g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
- 2.** To take bear:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges; and
  - i. Pursuit with dogs between August 1 and December 31.
- 3.** To take bighorn sheep:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
- 4.** To take buffalo:
- a. At the House Rock Wildlife Area:
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or synthetic black powder;
    - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
    - v. Bows with a standard pull of 50 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
    - vi. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
  - b. At the Raymond Wildlife Area:
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles; and

- iii. All other rifles using black powder or synthetic black powder.
  - 5. To take deer:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs;
    - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
    - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
  - 6. To take elk:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs;
    - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
    - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
  - 7. To take javelina:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs;
    - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
    - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
    - i. .22 rimfire magnum rifles; and
    - j. 5 mm rimfire magnum rifles.
  - 8. To take mountain lion:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs;
    - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
    - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges; and
    - i. Pursuit with dogs.
  - 9. To take turkey:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs;
    - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
    - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
    - i. .22 rimfire magnum rifles;
    - j. 5 mm rimfire magnum rifles;
    - k. .17 rimfire magnum rifles; and
    - l. Shotguns shooting shot.
- B.** An individual may use the following methods to take small game, subject to the restrictions in R12-4-318.
- 1. To take cottontail rabbits and tree squirrels:
    - a. Firearms not prohibited in R12-4-303,
    - b. Bow and arrow,
    - c. Crossbow,
    - d. Pneumatic weapons,
    - e. Slingshots, and
    - f. Falconry.
  - 2. To take all upland game birds:
    - a. Bow and arrow,
    - b. Falconry,
    - c. Shotguns shooting shot,
    - d. Handguns shooting shot, and
    - e. Crossbow.
  - 3. To take migratory game birds:
    - a. Bow and arrow;
    - b. Crossbow;
    - c. Falconry;
    - d. Shotguns shooting shot, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
    - e. Shotguns shooting shot and incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun that limits the magazine capacity to two shells.
- C.** An individual may take waterfowl from a watercraft except a sinkbox, under the following conditions:
- 1. The motor, if any, is shut off, the sail, if any, is furled, and any progress from a motor or sail has ceased;
  - 2. The watercraft may be drifting as a result of current or wind action; may be beached, moored, or resting at anchor; or may be propelled by paddle, oars, or pole; and
  - 3. The individual may use the watercraft under power to retrieve dead or crippled waterfowl, but no shooting is permitted while the watercraft is underway.
- D.** An individual may take predatory and furbearing animals by using the following methods, subject to the restrictions in R12-4-318:

1. Firearms not prohibited in R12-4-303;
  2. Bow and arrow;
  3. Crossbow;
  4. Traps not prohibited by R12-4-307; and
  5. Artificial light while taking raccoon, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- E.** An individual may take nongame mammals and birds by any method not prohibited in R12-4-303 or R12-4-318, under the following conditions. An individual:
1. Shall not take nongame mammals and birds using foot-hold steel traps;
  2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  3. Shall not use firearms at night; and
  4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- F.** An individual may take reptiles by any method not prohibited in R12-4-303 or R12-4-318 under the following conditions. An individual:
1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  2. Shall not use firearms at night; and
  3. May use artificial light while taking reptiles, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

#### Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 11, 1978 (Supp. 78-1). Amended effective September 7, 1978 (Supp. 78-5). Amended effective November 14, 1979 (Supp. 79-6). Amended effective July 22, 1980 (Supp. 80-4). Former Section R12-4-53 renumbered as Section R12-4-304 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective April 7, 1983 (Supp. 83-2). Amended subsection (I) effective June 7, 1984 (Supp. 84-3). Amended effective February 28, 1985 (Supp. 85-1). Amended effective September 16, 1985 (Supp. 85-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### **R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife**

- A.** For the purposes of this Section, "evidence of legality" means:

1. The wildlife is identifiable as the "legal wildlife" prescribed by Commission order, which may include evidence of species, gender, antler or horn growth, maturity and size; and
  2. The wildlife is accompanied by the applicable license, tag, stamp or permit required by law.
- B.** An individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile that the individual possesses or transports, until arrival at the individual's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.
- C.** In addition to the requirement in subsection (B), an individual possessing or transporting the following wildlife shall also ensure that:
1. Big game, sandhill cranes, and pheasant each have the required valid tag attached as prescribed in R12-4-302;
  2. Migratory game birds, except sandhill cranes, each have one fully feathered wing attached;
  3. Each sandhill crane has either the fully feathered head or one fully feathered wing attached; and
  4. Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission order has established separate bag or possession limits for any species of quail.
- D.** An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission, such as big game, sandhill crane, or pheasant, may authorize its transportation or shipment by completing and signing the Transportation/Shipping Permit portion of the valid tag for that animal. A separate Transportation/Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372, an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation/Shipping Permit issued by the Department. The individual shall provide the following information on the permit form:
1. Number and description of the wildlife to be transported or shipped;
  2. Name of the individual who took the wildlife and that individual's address, license number, license class, and tag number;
  3. Address of destination where the wildlife is to be transported or shipped; and
  4. Name and address of transporter or shipper.
- E.** An individual shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as prescribed in R12-4-308.
- F.** An individual who sells, offers for sale, or exports the raw pelt of a bobcat taken in this state shall obtain a bobcat permit tag available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department, and shall ensure that the bobcat permit tag is locked through the mouth or eye openings so that it cannot be removed.
- G.** An individual may import into this state carcasses or parts of carcasses of wildlife that have been lawfully taken in another state or country if accompanied by evidence of legality.
- H.** Individuals who obtain buffalo meat under R12-4-306 may sell the meat.
- I.** An individual may import into this state the carcasses or parts of aquatic wildlife that have been lawfully taken in another state or country if accompanied by evidence of legality, and if transported and exported in accordance with the laws of the state or country of origin.

- J.** An individual in possession of or transporting the carcasses of any freshwater fish that have been taken within this state shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.
- K.** An individual in possession of a carp (*Cyprinus carpio*) or buffalo fish (*Ictiobus* spp.) carcass taken under Commission order may sell the carcass.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Former Section R12-4-54 renumbered as Section R12-4-305 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective June 14, 1983 (Supp. 83-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective April 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-306. Buffalo Hunt Requirements

- A.** When authorized by Commission order, the Department shall conduct a hunt to harvest buffalo from the state's buffalo herds.
- B.** An unsuccessful hunter with a buffalo hunt permit-tag for the House Rock Wildlife Area herd shall check out in person or by telephone at either the Department's Flagstaff regional office or the House Rock Wildlife Area headquarters within three days following the close of the season. A successful buffalo hunter shall report information about the kill to the Department within five business days after taking the buffalo either in person at the House Rock Wildlife Area headquarters or in person or by telephone at the Department's Flagstaff regional office. If the kill is reported by telephone, the report shall include the name of the hunter, the hunter's tag number, the sex of the buffalo taken, the number of days hunted, and a telephone number where the hunter can be reached for additional information.
- C.** A hunter with a buffalo hunt permit-tag for the Raymond Wildlife Area herd shall hunt in the order scheduled by the Department.
- D.** A hunter with buffalo hunt permit-tag for the Raymond Wildlife Area herd shall be accompanied by an authorized Department employee who shall designate the animal to be harvested.

#### Historical Note

Former Section R12-4-55 renumbered as Section R12-4-306 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) effective May 12, 1982 (Supp. 82-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

- A.** For the purposes of this Section, the following definitions apply:
1. "Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.
  2. "Confinement trap" means a device designed to capture wildlife alive and hold it without harm.

3. "Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.
  4. "Land set" means any trap used on land rather than in water.
  5. "Leghold trap" means a device designed to capture an animal by the leg or foot.
  6. "Paste-type bait" means a partially liquefied substance intended for use as a lure for animals.
  7. "Sight-exposed bait" means a carcass or parts of a carcass lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include dried or bleached bones with no attached tissue or less than two ounces of paste-type baits or trap flags.
  8. "Trap flag" means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.
  9. "Water set" means any trap used and anchored in water rather than on land.
- B.** A valid trapping license is required for an individual 14 years of age or older for trapping predatory and fur-bearing animals. An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course to obtain a trapping license. Traps may be used to take predatory and fur-bearing animals only during the trapping season established by Commission order.
- C.** All trappers shall inspect their traps daily and kill or release all predatory and fur-bearing animals. All trappers shall release without additional injury all animals that cannot lawfully be taken by trap. While in the field, all trappers shall possess a device that is designed or manufactured to restrain trapped animals so that a trapped animal can be removed from a trap when its release is required by this Section. All trappers, in units designated by Commission order as javelina hunt units, shall possess a choke restraint device that enables the trapper to release a javelina from a trap.
- D.** An individual shall not:
1. Set a trap within 1/2 mile of any of the following areas developed for public use: a boat launching area, picnic area, camping area, or roadside rest area;
  2. Set a trap, other than a confinement trap, within 1/2 mile of any occupied residence or building without permission of the owner or resident;
  3. Set a trap, other than a confinement trap, within 100 yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation, within 25 yards of any other road as defined by A.R.S. § 17-101, or within 50 feet of any trail maintained for public use by a government agency;
  4. Set a leghold trap within 30 feet of a sight-exposed bait;
  5. Bait a confinement trap with live animals or portions of game mammals, big game, small game, upland game birds, migratory game birds, or game fish, or use bait with a confinement trap that is not wholly contained within the confinement trap;
  6. Use any trap with teeth;
  7. Use any snare;
  8. Use any trap with an open jaw spread that exceeds 6 1/2 inches for any land set;
  9. Use a body-gripping or other instant kill trap with an open jaw spread that exceeds five inches for any land set;
  10. Use a leghold trap with an open jaw spread that exceeds 7 1/2 inches for any water set; or
  11. Use a body-gripping or other instant kill trap with an open jaw spread that exceeds 10 inches for any water set.

- E.** An individual who uses a leghold trap to take wildlife with a land set shall use:
1. A commercially-manufactured, padded, or rubber-jawed trap, or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device to allow for pan tension adjustment;
  2. A commercially-manufactured jawed trap that does not exceed 5 1/2 inches, modified with a pan safety device that prevents capture of non-targeted wildlife or domestic animals and a separate device that allows for pan tension adjustment; or
  3. A commercially manufactured leghold trap that captures wildlife by means of an enclosed bar or spring designed to prevent capture of non-targeted wildlife or domestic animals.
- F.** An individual who uses a leghold trap to take wildlife with a land set shall ensure that the trap has an anchor chain with at least two swivels. Anchor chains that are 12 inches or less in length shall have a swivel attached at each end. Anchor chains that are greater than 12 inches shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- G.** Every licensed trapper shall file a complete written report as required by A.R.S. § 17-361(D) with the Phoenix Office of the Department by April 1 of each year on a form available from any Department office. The trapper shall file the report even if no trapping is done.
- H.** Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. Exemption under this Section does not authorize any form of trapping prohibited by A.R.S. § 17-301.
- I.** All trappers shall ensure that their traps are plainly identified with the name and address or registered number of the owner as prescribed by A.R.S. § 17-361(B). All trappers shall ensure that each of their traps has the name and address or registered number of the owner legibly marked on a metal tag attached to the trap. The number assigned by the Department is the only acceptable registered number. For the purpose of this Section, "owner" means the person placing, setting, or using the trap.
- J.** An individual who applies for a trapping license shall provide the following information on a form available from any Department office:
1. Full name, address, and telephone number;
  2. Date of birth and physical description;
  3. An identification number assigned by the Department;
  4. Category of license: resident, nonresident, or juvenile; and
  5. The signature of the applicant.
- K.** The Department shall issue a registered number to a trapper and enter the number on the trapping license at the time the trapper purchases the license. A trapper under the age of 14 is not required to purchase a trapping license, but shall obtain a registration number from any Department office before taking wildlife with a trap. A trapper's registration number is not transferable.
- L.** All trappers shall ensure that the unskinned carcass of a bobcat that they have trapped in this state or the pelt of any bobcat that they have trapped in this state has a validated bobcat transportation tag attached to the carcass or pelt, except for a pelt tagged for sale and export under subsection (M).
1. Trappers shall provide the following information on the bobcat transportation tag: current trapping license number, game management unit where the bobcat was taken, sex of the bobcat, and method by which the bobcat was taken. The Department shall provide transportation tags with each trapping license. A licensed trapper may obtain additional transportation tags from any Department office at no charge.
  2. Trappers shall validate transportation tags immediately upon taking the bobcat by legibly and completely filling in all information required on the tag.
- M.** Trappers shall ensure that pelts of bobcats that they have taken in this state that are sold, offered for sale, or exported from the state shall have bobcat permit tags (export tags) locked through the mouth and an eye opening, or through both eye openings so that the permit tag cannot be removed without being damaged. Trappers may obtain bobcat permit tags as follows:
1. Bobcat permit tags are available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department.
  2. When available, bobcat permit tags are issued on a first-come, first-served basis from November 1 through April 10 of each year.
  3. Department personnel or authorized agents of the Department shall attach and lock bobcat permit tags only to those pelts presented with validated transportation tags. Department personnel or authorized agents of the Department shall collect the transportation tags before attaching the bobcat permit tags.
  4. The April 10 deadline is waived for pelts consigned to licensed taxidermists for tanning or mounting.
  5. Department personnel shall attach bobcat permit tags to bobcat pelts seized under A.R.S. § 17-211(D)(4) before disposal by the Department. The April 10 deadline is waived for pelts tagged under this subsection.

#### Historical Note

Repealed effective May 3, 1976 (Supp. 76-3). New Section R12-4-56 adopted effective September 2, 1977 (Supp. 77-5). Amended effective December 27, 1979 (Supp. 79-6). Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981. New Section R12-4-307 amended effective August 31, 1981 (Supp. 81-4). Amended effective August 4, 1982 (Supp. 82-4). Correction, Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981 should read "effective August 31, 1981." Amended as an emergency effective March 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Amended subsections (B), (C)(6), (7), and (8) and added subsection (I)(5) as a permanent rule effective August 27, 1984 (Supp. 84-4). Amended subsection (C), paragraph (4), subsection (D), subsection (H), paragraph (1), subsection (I), paragraphs (3), (4) and (5) effective September 12, 1986 (Supp. 86-5). Amended effective March 1, 1994; filed in the Office of the Secretary of State November 23, 1993; Exhibit A - "Trapping Report" Form 2050, repealed from Section R12-4-307 (Supp. 93-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Corrected mislabeled subsection "C" to subsection "D" as per the Commission's request July 22, 1997 (Supp. 97-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

**R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks**

- A.** The Department has the authority to establish mandatory wildlife check stations. The Department shall publish the location, check-in requirements, and check-out requirements for a season with the published Commission order establishing the season.
- Hunters shall personally check in at a wildlife check station before hunting in a season with a published check-in requirement.
  - The Department shall ensure that wildlife check stations with a published check-in requirement are open continuously from 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and from 8:00 a.m. to 8:00 p.m. during each day of the season.
  - Hunters shall personally check out after hunting in a season with a published check-out requirement, and shall present for inspection any wildlife taken and display any license, tag, or permit required for taking or transporting wildlife.
  - The Department shall ensure that wildlife check stations with a published check-out requirement are open continuously from 8:00 a.m. to 8:00 p.m. during each day of the season and remain open until 12:00 noon on the day following the close of the season.
- B.** The Department has the authority to conduct inspections for bighorn sheep, archery deer, bear, mountain lion and special big game license-tags (deer, elk, antelope, and buffalo) at the Department's Phoenix and regional offices or designated locations. Regional offices are open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal state holidays.
- All bighorn sheep hunters shall personally check out within three days after the close of the season. Each hunter who takes a bighorn sheep shall submit the intact horns and skull for inspection and photographing. The Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission order. The hunter shall not remove, alter, or obliterate the mark or seal.
  - All special big game license-tag hunters who tag a deer, elk, antelope, or buffalo shall submit the intact horns or antlers and skull or skullcap for inspection and photographing within three days after the close of the season.
  - A successful non-permit tag archery deer hunter shall report information about the kill to a Department office in person or by telephone within 10 days of taking the deer if the hunt area does not have a check station requirement.
  - A successful bear hunter shall report information about the kill in person or by telephone within 48 hours of taking a bear. If the kill is reported by telephone, the report shall include the name of the hunter, the hunter's hunting license number, the sex of the bear taken, the management unit where the bear was taken, and a telephone number where the hunter can be reached for additional information. In addition, the hunter shall provide a tooth from the bear to the Phoenix office within 20 days after contacting the Department.
  - A successful mountain lion hunter shall report information about the kill in person or by telephone within 10 days of taking the mountain lion. In addition, the hunter shall provide a tooth from the mountain lion to the Phoenix office within 20 days after contacting the Department.
- C.** The Director or Director's designee may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a

vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and produce and display any license, tag, stamp, or permit required for taking or transporting wildlife.

- D.** This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections under A.R.S. §§ 17-211(D) and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

**Historical Note**

Amended effective June 29, 1978 (Supp. 78-3). Former Section R12-4-57 renumbered as Section R12-4-308 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective May 12, 1982 (Supp. 82-3). Amended subsections (B), (D), and (F), and added subsection (G) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective July 12, 1996 (Supp. 96-3). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

**R12-4-309. Repealed****Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-58 renumbered as Section R12-4-309 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended effective January 1, 1999; filed with the Office of the Secretary of State December 4, 1998 (Supp. 98-4). Section repealed by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1).

**R12-4-310. Fishing Permits**

- A.** The Department may issue a Fishing Permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted with the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for individuals with physical, developmental, or mental disabilities. The permit will allow individuals with physical, developmental, or mental disabilities to fish without a fishing license. The permit will authorize this activity for up to 20 individuals for the two days specified on the permit upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline

only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state. The individuals fishing under the authority of the permit shall comply with other statutes, Commission orders, and rules not contained in this Section.

- B.** An applicant for a Fishing Permit shall provide the following to the Department:
1. A completed application form obtained from the Department that contains:
    - a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
    - b. The name, position title, and telephone number of the individual who will be responsible for supervising the individuals who will be fishing under the authority of the permit;
    - c. The total number of individuals who will be fishing under the authority of the permit;
    - d. The dates of the two days for which the permit will be valid; and
    - e. The location for which the permit will be valid.
  2. Nonprofit organizations shall also submit documentation that they are licensed by or have a contract with the Department of Economic Security or the Department of Health Services for the purpose of providing rehabilitation or treatment services to individuals or groups with physical, developmental, or mental disabilities.
- C.** The Department shall issue or deny the Fishing Permit to an applicant within 30 calendar days of receiving an application.
- D.** The Fishing Permit permittee shall provide one hour of instruction on fish identification, fishing ethics, safety, and techniques to the individuals who will be fishing under authority of the permit. The Department shall provide the lesson plan for this instruction to the permittee.
- E.** Each individual fishing without a license under the authority of the Fishing Permit may take only one-half the regular bag limit established by Commission order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular limit.
- F.** The permittee shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The Department may deny issuance of future Fishing Permits to permittees who fail to submit the report. The permittee shall report on a form available from the Department:
1. The Fishing Permit number and the information contained in the permit;
  2. The total number of individuals who fished and total hours fished;
  3. The total number of fish caught, kept, and released, by species.

#### Historical Note

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section adopted November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License while Taking Aquatic Wildlife

- A.** A fishing license is not required to take aquatic wildlife from private waters that are not open to the public and not managed by the Department.
- B.** An individual may take terrestrial mollusks or crustaceans from private property without a fishing license.
- C.** Any individual fishing in Arizona on the designated Saturday during National Fishing and Boating Week may fish without an Arizona fishing license if the individual's privilege to take aquatic wildlife has not been revoked by the Commission. The provisions of this subsection apply to all waters except the Colorado River adjacent to California and Nevada, where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day. The provisions of this subsection do not apply to Reservation lands except as authorized by tribal governments.
- D.** An individual participating in an introductory fishing clinic organized, sanctioned, and sponsored by the Department may fish without a fishing license while an authorized Department instructor is present.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Amended effective May 31, 1979. Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-60 renumbered as Section R12-4-311 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) and added subsections (F) and (G) effective December 17, 1981 (Supp. 81-6). Amended as an emergency effective May 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-3). Emergency certification expired. Amended subsections (A) through (E) effective December 7, 1982 (Supp. 82-6). Amended subsections (C) and (D) effective February 9, 1984 (Supp. 84-1). Amended effective December 13, 1985 (Supp. 85-6). Amended subsections (A) and (D) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-311 repealed, new Section R12-4-311 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-322 repealed, new Section R12-4-311 adopted effective January 1, 1989, filed effective December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-312. Special Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction

- A.** Any individual fishing from a watercraft or other floating device or object on the waters of Lake Mead, Lake Mohave, or that portion of the Colorado River that forms the mutual boundary between Arizona and Nevada, shall have in possession:
  1. A valid Arizona-Colorado River special use stamp affixed to a valid Arizona fishing license, or
  2. A valid Nevada-Colorado River special use stamp affixed to a valid Nevada fishing license.
- B.** Any individual fishing from the Arizona shorelines of the waters named in subsection (A), unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
  1. A valid Arizona fishing license, unless exempted under A.R.S. § 17-335; or

2. A valid Nevada-Colorado River special use stamp affixed to a valid Nevada fishing license.
- C. Any individual fishing in the waters of Mittry Lake or Topock Marsh, unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
  1. A valid Arizona fishing license, unless exempted under A.R.S. § 17-335; or
  2. A valid Arizona-Colorado River special use permit stamp affixed to a valid California fishing license.
- D. Any individual fishing in the Arizona portion of Lake Powell, unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
  1. A valid Arizona fishing license, unless exempted under A.R.S. § 17-335; or
  2. A valid Arizona-Lake Powell stamp affixed to a valid Utah resident fishing license.
- E. The requirements of this Section are in addition to those contained in A.R.S. §§ 17-342, 17-343, and 17-344.

#### Historical Note

Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-61 renumbered as Section R12-4-312 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (E) and (F) effective December 17, 1981 (Supp. 81-6). Amended subsections (A), (C), (D), (E), and added subsection (G) effective December 9, 1982 (Supp. 82-6). Amended subsection (A), paragraph (1) effective November 27, 1984 (Supp. 84-6). Amended effective December 13, 1985 (Supp. 85-6). Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective January 1, 1989, filed December 30, 1988 (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-313. Lawful Methods of Taking Aquatic Wildlife

- A. An individual may take aquatic wildlife as defined in A.R.S. § 17-101, subject to the restrictions prescribed in R12-4-303, R12-4-317, and this Section. Aquatic wildlife may be taken during the day or night and may be taken using artificial light as prescribed in A.R.S. § 17-301.
- B. The Commission may, through Commission order, prescribe legal sizes for possession of aquatic wildlife.
- C. An individual may take aquatic wildlife by angling or simultaneous fishing as defined in R12-4-101 with any bait, artificial lure, or fly subject to the following restrictions. An individual:
  1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission order;
  2. Shall not use the flesh of game fish, except sunfish of the genus *Lepomis*, as bait;
  3. May use live baitfish, as defined in R12-4-101, only in areas designated by Commission order; and
  4. Shall not use waterdogs as live bait in that portion of Santa Cruz County lying east and south of State Highway 82 or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- D. In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions of R12-4-303, R12-4-317, and this Section:
  1. Carp (*Cyprinus carpio*), buffalofish, mullet, tilapia, goldfish, and shad may also be taken by bow and arrow, crossbow, snare, gig, spear, spear gun, or snagging. Except for snagging, an individual shall not practice any of these

methods of take within 200 yards of any boat dock or designated swimming area.

2. Striped bass may also be taken by spear or spear gun in waters designated by Commission order.
3. Live baitfish may also be taken for personal use as bait by:
  - a. A cast net not to exceed a radius of four feet measured from the horn to the leadline;
  - b. A minnow trap, as defined in R12-4-101;
  - c. A seine net not to exceed 10 feet in length and four feet in width; or
  - d. A dip net.
4. Amphibians, soft-shelled turtles, mollusks, and crustaceans may also be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted by this Section.
5. In addition to the methods described in subsection (D)(4) of this Section, bullfrogs may also be taken by bow and arrow, crossbow, or slingshot.
6. In addition to the methods described in subsection (D)(4) of this Section, crayfish may also be taken with the following devices:
  - a. A trap not more than three feet in the greatest dimension; or
  - b. A seine net not larger than ten feet in length and four feet in width.
- E. An individual who uses a crayfish and minnow trap shall attach a water-resistant identification tag to the trap if it is unattended. The tag shall include the legible name, address, and fishing license number of the individual using the trap. An individual using a crayfish and minnow trap shall raise and empty the trap daily.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 17, 1977 (Supp. 77-3). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-62 renumbered as Section R12-4-313 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 7, 1982 (Supp. 82-6). Amended subsection (A)(7) and added subsection (E)(3) effective November 27, 1984 (Supp. 84-6). Amended subsections (A) and (E) effective December 9, 1985 (Supp. 85-6). Amended subsections (A) and (E). effective December 16, 1986 (Supp. 86-6). Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-314. Repealed

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-63 renumbered as Section R12-4-314 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (B) effective December 31, 1984 (Supp. 84-6). Amended effective December 30, 1988 (Supp. 88-4).

Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

**R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers**

- A. An individual may possess fish taken alive under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited by the provisions of R12-4-313 or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as allowed in R12-4-316.
- B. An individual who places any unattended live boxes or stringers holding fish shall attach water resistant identification legibly bearing the name, address, and fishing license number of the individual using and holding fish in the live box or stringer.

**Historical Note**

Former Section R12-4-64 renumbered as Section R12-4-315 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 30, 1988 (Supp. 88-4).

Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

**R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs**

- A. An individual may possess live baitfish, crayfish, or waterdogs for use as live bait only in accordance with this Section and R12-4-317.
- B. An individual may possess or transport the following live baitfish for personal use as live bait in accordance with R12-4-317. An individual who possesses a valid Arizona fishing license may import these live baitfish from California or Nevada without accompanying documentation certifying the fish are free of disease, or may import these live baitfish from any other state with accompanying documentation certifying that the fish are free of Furunculosis.
  1. Fathead minnow (*Pimephales promelas*);
  2. Mosquitofish (*Gambusia affinis*);
  3. Red shiner (*Cyprinella lutrensis*);
  4. Threadfin shad (*Dorosoma petenense*);
  5. Golden shiners (*Notemigonus crysoleucas*); and
  6. Goldfish (*Carassius auratus*).
- C. An individual who possesses a valid Arizona fishing license may import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- D. An individual shall not import, transport, move between waters, or possess live crayfish for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.
- E. An individual may trap or capture live crayfish as provided in R12-4-313. A person may use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

- F. An individual shall not transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 4, 1979 (Supp. 79-3). Amended subsections (A), (B), (C), and (D) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-65 renumbered as Section R12-4-316 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (C) and (F) effective February 9, 1984 (Supp. 84-1). Amended effective December 31, 1984 (Supp. 84-6). Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2147, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

**R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles**

- A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission order as “general” seasons are designated in R12-4-313.
- B. Other seasons designated by Commission order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed in this Section. While taking aquatic wildlife under R12-4-313:
  1. An individual participating in an “artificial lures and flies only” season shall use only artificial lures and flies as defined in R12-4-101. The Commission may further restrict “artificial lures and flies only” season to the use of barbless or single barbless hooks. A barbless hook is any fishhook manufactured without barbs or on which barbs have been completely closed or removed.
  2. An individual participating in a “live baitfish” season shall not use any species of fish as live bait, or possess any species of fish for use as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters by Commission order. Live baitfish shall not be transported from the waters where taken except as allowed in R12-4-316.
  3. An individual participating in an “immediate kill or release” season shall kill and retain the designated species as part of the bag limit or immediately release the wildlife. Further fishing is prohibited after the legal bag limit is killed.
  4. An individual participating in a “catch and immediate release” season shall immediately release the designated species.
  5. An individual participating in an “immediate kill” season shall immediately kill and retain the designated species as part of the bag limit.
  6. An individual participating in a “snagging” season shall use this method only at times and locations designated by Commission order.
  7. An individual participating in a “spear or spear gun” season shall use this method only at times and locations designated by Commission order.
- C. A “special” season may be designated by Commission order to allow fish to be taken by hand, or by any hand-held, non-

motorized implement that does not discharge a projectile. The “special” season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions or Department fish renovation activities, or as designated by Commission order.

#### Historical Note

Renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change effective August 13, 1981 (Supp. 81-4). Correction, Section R12-4-317 formerly shown as repealed should have read reserved. Former Historical Note erroneous, see R12-4-202. Section R12-4-317 adopted effective June 20, 1984 (Supp. 84-3). Repealed effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Repealed effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- A. Methods of lawfully taking wild mammals and birds during seasons designated by Commission order as “general” seasons are designated in R12-4-304. Restrictions designated in subsection (C) do not apply to general seasons.
- B. Methods of lawfully taking big game during seasons designated by Commission order as “special” are designated in R12-4-304. “Special” seasons are open only to individuals who possess special big game license tags issued under A.R.S. § 17-346 and R12-4-120.
- C. When designated by Commission order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this Section. While taking the species authorized by the season:
  1. An individual participating in a “muzzleloader” season shall not use or possess any firearm other than muzzle-loading rifles or muzzle-loading handguns, as defined in R12-4-101.
  2. An individual participating in an “archery-only” season shall use and possess only a bow and arrow as prescribed in R12-4-304, and shall not use or possess any other weapons, including crossbows or any other bows with a device that holds the bow in a drawn position, except as authorized by R12-4-216.
  3. An individual participating in a “handgun, archery, and muzzleloader (HAM)” season may only use or possess any or all of the following: handguns, muzzle-loading rifles as defined in R12-4-101, crossbows, and bows and arrows as prescribed in R12-4-304.
  4. An individual who possesses a valid tag for a bear season between January 1 and July 31 shall not use dogs to take bear.
  5. An individual participating in a “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission order, but shall not kill or capture the quarry. An individual participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce a valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
  6. An individual participating in a “limited weapon” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: bow and arrow; crossbow;

pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.

7. An individual participating in a “limited weapon-shotgun” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
8. An individual participating in a “limited weapon-shotgun shooting shot” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot, bow and arrow, crossbow, pneumatic weapons, falconry, slingshots, any trap except foot-hold steel traps, nets, hand-propelled projectiles, or capture by hand.
9. An individual participating in a “limited weapon-rimfire” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: rifled firearms using rimfire cartridges; shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
10. An individual participating in a “falconry-only” season shall be a falconer either licensed under R12-4-422 or exempted under R12-4-407, and use no method of take except falconry.
11. An individual may participate in a “juniors-only hunt” up to and throughout the calendar year of the individual’s 17th birthday, provided the individual meets the requirements of A.R.S. § 17-335.
12. An individual participating in a “CHAMP” season shall be a challenged hunter access/mobility permittee under R12-4-217.
13. An individual participating in a “raptor capture” season shall be a licensed falconer under R12-4-422 or exempted under R12-4-407.

#### Historical Note

Adopted effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2).

Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended effective January 1, 1998; filed in the Office of the Secretary of State November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-319. Use of Aircraft to Take Wildlife

- A. For the purposes of this Section, the following definitions apply:
  1. “Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance.

2. "Locate" means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- B. An individual shall not take or assist in taking wildlife from or with the aid of aircraft.
- C. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- D. An individual who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or an individual who assists or will assist such a licensee shall not use an aircraft to locate wildlife beginning 48 hours before and during a Commission-ordered special season.
- E. This Section does not apply to any individual acting within the scope of official duties as an employee or authorized agent of the state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

#### Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 12, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-68 renumbered as Section R12-4-319 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-319 adopted as an emergency effective October 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### R12-4-320. Harassment of Wildlife

- A. In addition to the provisions of A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft as defined in R12-4-319, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to individuals acting:
  1. Under the provisions of A.R.S. § 17-239; or
  2. Within the scope of official duties as an employee or authorized agent of the state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

### ARTICLE 4. LIVE WILDLIFE

#### R12-4-401. Live Wildlife Definitions

In addition to definitions given in A.R.S. § 17-101, and for the purposes of Article 4, the following definitions apply.

1. "Aquarium trade" means the commercial industry lawfully trading in aquatic wildlife that is not restricted live wildlife, and the customers of that industry, when all aquatic wildlife is held for pet or ornamental uses only, in aquaria or in enclosed ponds with no opportunity for ingress or egress.

2. "Captive wildlife" means live wildlife physically restrained, confined, or impaired so that it is prevented from unobstructed return to or movement in the wild.
3. "Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker's Mammals of the World. A copy is available for inspection at any Department office.
4. "Circus" means a scheduled event where a variety of entertainment is the principal business, primary purpose and attraction. "Circus" does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.
5. "Collect" means to take under the provisions of a Scientific Collecting Permit.
6. "Educational display" means to display captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring payment from the audience.
7. "Endangered or threatened" means wildlife listed in 50 CFR 17.11, revised as of April 10, 1987, not including any later amendments or editions, which is incorporated by reference. A copy of the list is on file with the Secretary of State and is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
8. "Evidence of lawful possession" means any license or permit allowing possession of the specified live wildlife, or other documentation establishing lawful possession, including but not limited to: a statement of nonrequirement for a license or permit for the specified live wildlife, granted by the country or state of origin.
9. "Exhibit" means to display captive live wildlife in public, or to allow photography of captive live wildlife, for any commercial purpose.
10. "Fish farm" means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose except the aquarium trade.
11. "Live baitfish" means any species of live freshwater fish designated by Commission order as lawful for use in taking aquatic wildlife under R12-4-313.
12. "Live bait" means live, aquatic wildlife used or intended for use in taking aquatic wildlife.
13. "Propagate" means the generation of offspring from captive wildlife.
14. "Rehabilitated wildlife" means injured, orphaned, sick, or otherwise debilitated wildlife that is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.
15. "Restricted live wildlife" means wildlife that the Commission has determined is an actual or potentially-significant threat to indigenous wildlife by competition, disease or parasites, habitat degradation, predation, or impact on population management; or an actual or potentially significant threat to public safety by disease, physical threat, property damage, or nuisance.
16. "Shooting preserve" means any operation where live wildlife is released for the purpose of hunting.
17. "Special license" means any permit or license issued under 12 A.A.C. 4, Article 4, authorizing specific activities normally prohibited by A.R.S. § 17-306 and R12-4-402.
18. "Stock" and "stocking" mean to release live aquatic wildlife into public or private waters other than the waters where taken.

19. "Threatened native wildlife" means any species listed in "Threatened Native Wildlife in Arizona," published by the Arizona Game and Fish Department. A copy is available from any Department office.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### R12-4-402. Live Wildlife: Prohibited Acts

- A. A person shall not import or transport any live wildlife into the state, or possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent or lease, display for any purpose, propagate, stock, or release within the state any live wildlife, or export any live wildlife, or kill any captive wildlife, or operate a shooting preserve, except as authorized by this Chapter or as defined in A.R.S. Title 3, Chapter 16. A person may exhibit lawfully possessed wildlife only as authorized by this Chapter or as defined in A.R.S. Title 3, Chapter 16.
- B. This rule is effective July 1, 2001.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2).

#### R12-4-403. Escaped or Released Live Wildlife

The Department may take any live wildlife which has been released or which has escaped, whether or not such wildlife was held pursuant to a special license, when the wildlife is posing an actual or potential threat to native wildlife or to the safety, health, or welfare of the public.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2).

#### R12-4-404. Possession of Live Wildlife Taken on an Arizona Hunting or Fishing License

- A. Wildlife may be taken from the wild alive by authority of an appropriate Arizona hunting or fishing license only when a Commission order specifies a live bag and possession limit for that species. Wildlife taken pursuant to this subsection may be possessed, transported, placed on educational display, propagated, and killed for personal use, or disposed of pursuant to subsection (B), except that live baitfish may be possessed and transported only in accordance with R12-4-316.
- B. Wildlife and the progeny of wildlife possessed pursuant to this rule may only be disposed of by gift or as directed by the Department, except that wildlife not removed from the area where captured may be released. Lawfully possessed live wildlife may be exported.
- C. A combined total of wildlife and the progeny of wildlife possessed pursuant to this rule shall not exceed the possession limit established by the current Commission order governing that species, except that the progeny of reptiles and amphibians may be held in captivity in excess of the possession limit for 12 months from the date of birth or hatching. Before or upon reaching 12 months of age, progeny of reptiles and amphibians in excess of the possession limit shall be disposed of by gift or as directed by the Department.
- D. This rule is effective January 1, 1995.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

#### R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

- A. Lawfully possessed mammals, birds, and reptiles not listed in R12-4-406 may be imported without any license or permit from the Department.
- B. Lawfully possessed aquatic wildlife not listed in R12-4-406 may be imported without any license or permit from the Department, when it is intended for the aquarium trade as defined in R12-4-401, or for restaurants or markets licensed to sell food to the public where the aquatic wildlife is killed before transport from the restaurant or market. Aquatic wildlife being transported through the state shall be accompanied by authority to transport live aquatic wildlife granted by another state. Aquatic wildlife imported for any other purpose requires a special license or exemption granted pursuant to this Chapter. The aquarium trade may purchase live aquatic wildlife not listed in R12-4-406 from licensed fish farms.
- C. Wildlife lawfully imported without an Arizona license or permit, and their progeny, may be purchased, possessed, exhibited or displayed for any purpose, transported, propagated, traded, rented or leased, given away, sold, offered for sale, exported, and killed.
- D. This rule is effective January 1, 1995.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

#### R12-4-406. Restricted Live Wildlife

- A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a special license or an exemption under Article 4 is required to possess restricted live wildlife or to engage in any activity prohibited by A.R.S. § 17-306 or R12-4-402.
- B. Unless specified otherwise, mammals listed below are "restricted live wildlife" as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker's Mammals of the World is the authority in the following designations. A copy is available for inspection at any Department office.
1. All species of the genus *Didelphis*. Common name: American opossums.
  2. All species of the order Insectivora. Common names: Insectivores or shrews and moles.
  3. All species of the order Chiroptera. Common name: bats.
  4. All species of the family Pongidae of the order Primates. Common names: orangutans, chimpanzees, gorillas.
  5. All species of the order Edentata. Common names: edentates; or sloths, anteaters, and armadillos.
  6. All species of the order Lagomorpha. Common names: pikas, rabbits, hares. Genus *Oryctolagus*, containing domestic rabbits, is not wildlife.
  7. All species of the following families of the order Rodentia. Common name: rodents.
    - a. The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs.
    - b. The family Geomyidae. Common name: pocket gophers.
    - c. The family Castoridae. Common name: beavers.
    - d. The family Erethizontidae. Common name: New World porcupines.
    - e. The family Capromyidae. Common names: hutias, coypus, or nutrias.
  8. All species of the order Carnivora. Common name: carnivores. *Canis familiaris*, domestic dogs; *Felis catus*,

- domestic cats; and *Mustela putorius furo*, domestic ferrets, are not wildlife.
9. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.
    - a. The family Tayassuidae. Common name: peccaries.
    - b. The family Cervidae. Common name: cervid or deer family (including deer, elk, moose, and red deer).
    - c. The family Antilocapridae. Common name: pronghorn.
    - d. The family Bovidae. Common names: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:
      - i. The genus *Bubalus*. Common name: water buffalo.
      - ii. The genus *Bison*. Common name: bison; American bison or buffalo.
      - iii. *Capra hircus*, domestic goats; *Ovis aries*, domestic sheep; and *Bos taurus*, domestic cattle, are not wildlife.
- C. Birds listed below are “restricted live wildlife” as defined in R12-4-401.
1. The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants.
    - a. *Alectoris chukar*. Common name: chukar.
    - b. *Callipepla californica*. Common name: California or valley quail.
    - c. *Callipepla gambelii*. Common name: Gambel’s quail.
    - d. *Callipepla squamata*. Common name: scaled quail.
    - e. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in Units 34A, 36A, 36B, and 36C as prescribed in R12-4-108.
    - f. *Cyrtonyx montezumae*. Common name: Montezuma or Mearns’s quail.
    - g. *Dendragapus obscurus*. Common name: blue grouse.
    - h. *Phasianus colchicus*. Common names: ringneck and whitewing pheasants.
  2. The species *Rhynchopsitta pachyrhyncha*. Common name: thick-billed parrot.
- D. Reptiles listed below are “restricted live wildlife” as defined in R12-4-401.
1. All species of the order Crocodylia. Common names: gavials, caimans, crocodiles, and alligators.
  2. The following species of the order Testudines. Common names: turtles and tortoises.
    - a. All species of the family Chelydridae. Common name: snapping turtles.
    - b. All species of the genera *Gopherus* and *Xerobates* of the family Testudinidae. Common name: gopher tortoises, including the desert tortoise.
  3. All species of the following families or genera of the order Squamata.
    - a. The family Helodermatidae. Common names: Gila monster and Mexican beaded lizard.
    - b. The family Elapidae. Common names: cobras, mambas, coral snakes, kraits, and Australian elapids.
    - c. The family Hydrophiidae. Common name: sea snakes.
    - d. The family Viperidae. Common names: true vipers and pit vipers, including rattlesnakes.
    - e. The family Atractaspididae. Common name: burrowing asps.
  - f. The following species and genera of the family Colubridae:
    - i. *Dispholidus typus*. Common name: boomslang.
    - ii. *Thelotornis kirtlandii*. Common name: bird snake or twig snake.
    - iii. *Rhabdophis*. Common names: keelbacks.
- E. Amphibians listed below are “restricted live wildlife” as defined in R12-4-401. The following species within the order Anura, common names frogs and toads.
1. All species of the genus *Xenopus*. Common name: clawed frogs.
  2. The species *Bufo horribilis*, *Bufo marinus*, *Bufo paracnemis*. Common names: giant or marine toads.
- F. Fish listed below are “restricted live wildlife” as defined in R12-4-401.
1. American grayling, the species *Thymallus arctius*.
  2. Bass, all species of the family Serranidae.
  3. Bighead carp, the species *Aristichthys nobilis*.
  4. Bony tongue, the species *Arapaima gigas*.
  5. Bowfin, the species *Amia calva*.
  6. Catfish, all species of the family Ictaluridae.
  7. Crucian carp, the species *Carassius carassius*.
  8. Electric catfish, the species *Malapterurus electricus*.
  9. Electric eel, the species *Electrophorus electricus*.
  10. European whitefish or ide, the species *Leuciscus idus* and *Idus idus*.
  11. Freshwater drum, the species *Aplodinotus grunniens*.
  12. Freshwater stingray, all species of the family Potamotrygonidae.
  13. Gars, all species of the family Lepisosteidae.
  14. Goldeye, all species of the family Hiodontidae.
  15. Herring, all species of the family Clupeidae.
  16. Indian carp, all of the species *Catla catla*, *Cirrhina mrigala*, and *Labeo rohita*.
  17. Lampreys, all species of the family Petromyzontidae.
  18. Mooneye, all species of the family Hiodontidae.
  19. Nile perch, all species of the genus *Lates*.
  20. Pike, all species of the family Esocidae.
  21. Pike topminnow, the species *Belonesox belizanus*.
  22. Piranha, all species of the genera *Serrasalmus*, *Serrasalmo*, *Phylocentrus*, *Teddyella*, *Rooseveltiella*, and *Pygopristis*.
  23. Shad, all species of the family Clupeidae except threadfin shad, species *Dorosoma petenense*.
  24. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes.
  25. Silver carp, the species *Hypophthalmichthys molitrix*.
  26. Snakehead, all species of the family Ophicephalidae.
  27. South American parasitic catfish, all species of the family Trichomycteridae and Cetopsidae.
  28. Sunfish, all species of the family Centrarchidae.
  29. Tetras, all species of the genus *Astyanax*.
  30. Tiger fish, the species *Hoplias malabaricus*.
  31. Trout, all species of the family Salmonidae.
  32. White amur, the species *Ctenopharyngodon idellus*.
  33. Walking catfish, all species of the family Clariidae.
  34. Walleye, the species *Stizostedion vitreum*.
  35. White perch, the species *Morone americanus*.
  36. Yellow perch, the species *Perca flavescens*.
  37. Rudd, the species *Scardinius erythrophthalmus*.
- G. Crustaceans listed below are “restricted live wildlife” as defined in R12-4-401.
1. Asiatic mitten crab, the species *Eriocheir sinensis*.

2. Australian crayfish and all freshwater species within the families Astacidae, Cambaridae, and Parastacidae.
- H. Mollusks listed below are "restricted live wildlife" as defined in R12-4-401.  
Zebra mussel, the species *Dreissena polymorpha*.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife

- A. The Commission waives the requirement that a person obtain a special license for lawfully possessed restricted live wildlife as follows:

1. Desert tortoises *Xerobates (Gopherus) agassizii* possessed without a special license before April 28, 1989, may be possessed, transported, and given away. Desert tortoises possessed under this Section may be propagated, and progeny may be held in captivity for 24 months from the date of hatching, if they are disposed of by gift or as directed by the Department. The person receiving a desert tortoise given away under this Section is also exempt from special license requirements.
2. A licensed veterinarian may possess the wildlife while furnishing medical care and may release rehabilitated wildlife as directed by the Department, if:
  - a. Records of restricted live wildlife that are kept under the requirements of the Veterinary Medical Examining Board are subject to inspection by Department game rangers; and
  - b. The Commission or Department assumes no financial responsibility for any care provided, except care authorized by the Department.
3. Wildlife may be imported, possessed, and exported if the wildlife is transported through the state within 72 continuous hours, the transportation is accomplished by one person without transfer or sale, and the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401.
4. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, wildlife may be imported, transported, possessed, exhibited, and exported for a government-authorized state or county fair, or by a circus, or imported, possessed, transported and exported for the purpose of filming for television, movies, or commercials, if the wildlife:
  - a. Is accompanied by evidence of lawful possession, as defined in R12-4-401;
  - b. Is not in the state for more than 60 consecutive days;
  - c. Is maintained under complete control and prevented from coming into contact with the public.
5. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, wildlife may be imported, transported, possessed, and displayed for advertising purposes other than filming, and exported, if the wildlife:
  - a. Is accompanied by evidence of lawful possession, as defined in R12-4-401;
  - b. Is not in the state for more than 10 consecutive days, and the public is not charged a fee to view the wildlife;

- c. Is maintained under complete control and prevented from coming into contact with the public.
6. Game fish may be imported and transported to restaurants or markets licensed to sell food to the public, if the game fish being sold are killed before transport from the restaurant or market. While in the possession of the restaurant or market, the fish may be displayed for sale, offered for sale, and sold.
7. Wildlife is taken alive under and is possessed in compliance with R12-4-404 or R12-4-427.
8. An Arizona falconer license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency.
9. Wildlife may be imported, purchased, possessed, transported, traded, given away, propagated, killed, and exported by medical or scientific research facilities registered by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is on file with the Secretary of State and is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Avenue Suite J, Sacramento, CA 95827-2623, 916-857-6205.
10. Crayfish may be imported and transported to restaurants or markets licensed to sell food to the public, if the crayfish being sold are killed before transport from the restaurant or market. While in the possession of the restaurant or market, the live crayfish may be displayed for sale, offered for sale, and sold.
11. Freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) possessed before January 1, 2001, may be possessed alive, propagated, and their progeny held without special license. Live freshwater crayfish may not be transported, sold, offered for sale, given away, or released, except under this Section and R12-4-316.
- B. An exemption granted by this Section is not valid for any wildlife protected by federal law or rule unless supported by federal permission or documentation rendering the exemption lawful.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### R12-4-408. Holding Wildlife for the Department

- A. A Game Ranger may authorize an individual to possess and transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B. With the exception of live cervids, a Department employee has the authority to authorize an individual to possess and transport captive live wildlife on a temporary basis not to exceed 72 hours.
- C. The Director has the authority to authorize an individual to hold a live cervid for the Department.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August

30, 2003 (Supp. 03-3).

#### **R12-4-409. General Provisions and Penalties for Special Licenses**

- A.** The Department shall issue special licenses as defined in R12-4-401, if application is made and criteria are met as prescribed in the rule governing the specific special license. The Department shall either grant or deny a special license within the administrative completeness review time-frame and the overall time-frame listed for the special license in R12-4-106 and in a manner consistent with A.R.S. Title 41, Chapter 6, Article 7.1. During the administrative completeness review time-frame, the Department may return to the applicant, without denial, any incomplete application that is lacking information required by the rule governing the specific special license. Each returned application shall be accompanied by written notice stating what information the applicant failed to provide. The administrative completeness review time-frame and the overall time-frame listed for the special license in R12-4-106 are suspended from the date on the notice until the date that the Department receives the missing information from the applicant. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The substantive review time-frame and the overall time-frame listed for the special license in R12-4-106 are suspended from the date on the request until the date that the Department receives the additional information from the applicant. A special license is not valid for any wildlife protected by federal law or regulation unless supported by federally-issued documentation rendering the licensed activity lawful.
- B.** All special licenses expire on December 31 for the year issued unless otherwise specified in the governing rule. If application for a new special license is not made by the expiration date, live wildlife possessed under the expired license is unlawfully possessed and is subject to seizure by the Department. If application for a new special license is made on or before the expiration date, the existing license remains valid until the Department makes a final determination to grant or deny the special license, and, in the event that the application is denied, until the last day for seeking a review of the final determination.
- C.** The Department shall deny a special license if the applicant knowingly provides false information upon application. Any special license so obtained is void and of no effect from the date of issuance.
- D.** The Department shall provide written notice to an applicant whose application is denied stating the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. §§ 41-1092.02 through 41-1092.12.
- E.** Special license holders or licensees shall keep records and submit reports as required by the rule governing their special license. The licensee shall exhibit the records to any Department game ranger upon reasonable request.
- F.** Facilities of special license holders are subject to reasonable inspection by a game ranger for compliance with any requirements imposed by this Article. A routine inspection is not reasonable if the game ranger has inspected another facility holding wildlife of the same class within the previous 72 hours and the game ranger has had contact with the wildlife or there is reason to believe disease may have been present at the other facility.
- G.** If a disease or other emergency condition exists that poses an immediate threat to the welfare of wildlife, including the wild-

life held under a special license, or the public, as determined by a person with relevant expertise, the Department shall immediately order a cessation of operation under the special license and, if necessary, humane disposition or quarantine of any contaminated or threatened wildlife. The licensee shall perform disease testing, submit biological samples to the Department or its designee, quarantine the wildlife, or destroy the wildlife as directed by the Department. The licensee shall ensure that any disease giving rise to an emergency condition under this subsection is diagnosed by a person or persons professionally certified to make the diagnosis. Once operation has ceased and an emergency no longer exists, subsection (H) applies.

- H.** If a condition exists, including disease or any violation of this Article, that poses a threat to the welfare of wildlife, including the wildlife held, or the public, but the threat does not constitute an emergency, the Department shall provide the licensee a written notice of the condition, by certified mail or personal service, specifying a reasonable time for the licensee to cure the noticed condition. Failure of the licensee to cure the noticed condition within the time specified by the Department is a violation under subsection (I). If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to cure.
- I.** The Department shall take any of the following actions against a person for violation of any provision of this rule; the rule governing a specific special license; A.R.S. § 13-2908 relating to criminal nuisance; A.R.S. § 13-2910; for a conviction of any other criminal offense involving cruelty to animals; for refusal to permit reasonable inspection of facilities, wildlife, or required records; or for failure to keep required records or submit required reports to the Department:
  1. Filing of criminal charges.
  2. Suspension of authority of a licensee or any agent of the licensee to hold wildlife under special license for the remainder of the validity of the license period.
  3. Seizure of any wildlife held under the special license, and its humane disposition except that such wildlife shall not be killed pending appeal by the licensee.
  4. Denial of subsequent application for a special license for a period not to exceed five years.
- J.** A person may appeal Department actions identified in subsections (I)(2), (I)(3), and (I)(4) to the Commission as prescribed in A.R.S. §§ 41-1092.01 through 41-1092.12.

#### **Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### **R12-4-410. Aquatic Wildlife Stocking Permit**

- A.** An aquatic wildlife stocking permit allows any or all of the following: import, purchase, possession, transport and stocking of the species designated on the permit at the location specified on the permit.
- B.** The following criteria are requisite to approval of application for permit:
  1. Applications for stocking aquatic wildlife which have not previously been introduced into the state or do not occur at the location where the stocking is to occur shall include a written proposal which must adequately address biological and socioeconomic ramifications of the introduction. A determination by the Department that negative impact

on Arizona wildlife may result from issuance of the permit shall be grounds for denial of the permit. The proposal shall include:

- a. Purpose for introducing species,
  - b. Anticipated benefits from introducing species,
  - c. Anticipated adverse economic impacts from introduced species,
  - d. Anticipated dangers to indigenous or game fish from introduced species,
  - e. Anticipated ecology problems with introducing species,
  - f. Anticipated diseases inherent to introduced species,
  - g. Anticipated hybridization concerns with introducing species,
  - h. Suggestions for post-introduction evaluation of status and impacts of introduced species.
2. Aquatic wildlife and live eggs, fertilized eggs, and milt shall be obtained from a licensed Arizona fish farm operator or from a private noncommercial fish pond or from a fish farm located outside Arizona which has been certified free of the diseases and causative agents specified in subsection (D).
  3. The aquatic wildlife to be stocked shall be compatible with, and pose no threat to, any wildlife within the drainage or area where the stocking is to occur.
- C. Application shall be made on forms provided by the Department, by the person requesting that the water be stocked. Applications are available from any Department office.
1. Application requires the following to be provided by the applicant:
    - a. Name and address of applicant;
    - b. Name and address of business, if applicable;
    - c. Name and address of suppliers;
    - d. Name and legal description of water to be stocked;
    - e. Drainage;
    - f. Planned date of stocking;
    - g. Species of aquatic wildlife to be stocked;
    - h. Any written proposal required at subsection (B) of this rule;
    - i. Signature of applicant.
  2. The Department shall issue a stocking permit or deny the application for stocking aquatic wildlife not previously introduced within six months of receiving the application; such applicants shall be advised within 10 calendar days of application if the extended time period will be required. For all other applicants, the Department shall issue a permit or deny the application within 30 calendar days. Authorization will not exceed 20 days and is valid only during the dates shown on the permit.
- D. Live fish and eggs, fertilized eggs, and milt imported into the state must be certified free of the following diseases and causative agents when applicable to the species involved. The certification shall be based on a physical inspection of the fish farm of origin within the 12 months preceding the shipment. The inspection shall be conducted by a fish health inspector or fish pathologist certified by the American Fisheries Society. A copy of the certification shall accompany each shipment.
1. Live fish and eggs, fertilized eggs, and milt:
    - a. Causative agent: egd virus. Disease: VHS, viral hemorrhagic septicemia of salmonids.
    - b. Causative agent: infectious hematopoietic necrosis virus. Disease: IHN, infectious hematopoietic necrosis of salmonids.
    - c. Causative agent: infectious pancreatic necrosis virus. Disease: IPN, infectious pancreatic necrosis of salmonids.

- d. Causative agent: *Ceratomyxa shasta*. Disease: ceratomyxosis of salmonids.
  - e. Causative agent: *Rhabdovirus carpio*. Disease: spring viremia of carp. Certification is required in this case only when the original origin of the shipment is from outside the United States.
  - f. Causative agent: *Renibacterium salmoninarum*. Disease: BKD, bacterial kidney disease of salmonids.
2. Live fish only:
    - a. Causative agent: *Aeromonas salmonicida*. Disease: furunculosis.
    - b. Causative agent: *Myxobolus cerebralis*. Disease: whirling disease of salmonids.
- E. The aquatic wildlife stocking permit is subject to the provisions of R12-4-409.
- F. This rule is effective January 1, 1995.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

#### R12-4-411. Minnow Dealer's License

- A. A minnow dealer's license allows any or all of the following: import, transport, purchase, possession, display for sale, offer for sale, sell as live bait, kill, trade, or export of any or all of the following live aquatic wildlife as bait:
1. Fathead minnow, *Pimephales promelas*;
  2. Golden shiner, *Notemigonus crysoleucas*;
  3. Goldfish, *Carassius auratus*;
  4. Mosquito fish, *Gambusia affinis*;
  5. Red shiner, *Notropis lutrensis*;
  6. Threadfin shad, *Dorosoma petenense*;
  7. Waterdogs, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- B. A minnow dealer's license allows the take for sale, transport, and sale of waterdogs from the waters of Arizona in compliance with Commission order.
- C. An applicant for a minnow dealer's license shall submit:
1. One application for each place of business. Each place of business is licensed separately; and
  2. One application for each person taking waterdogs for sale.
- D. An applicant for a minnow dealer's license shall apply on a form provided by the Department and available from any Department office. The Department shall issue the license or deny the application within 30 calendar days. The applicant shall provide the following information:
1. Name of applicant,
  2. Date of birth,
  3. Mailing address,
  4. Location where aquatic wildlife will be held and sold,
  5. Species of aquatic wildlife to be sold, and
  6. Signature of applicant.
- E. A person may import live baitfish specified in subsection (A) from California and Nevada without accompanying certification that the fish are free from disease, or import live baitfish from any other state if accompanied by certification that the fish are free of furunculosis.
- F. A minnow dealer's license is subject to the provisions of R12-4-409.
- G. This rule is effective May 25, 2001.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25,

2001 (Supp. 01-2).

#### **R12-4-412. Repealed**

##### **Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). New Section adopted effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section repealed by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### **R12-4-413. Private Game Farm License**

- A.** A private game farm license allows any or all of the following: offering for sale, sale, trade, rent or lease, giving away, purchase, display for sale, import, possession, propagation, rearing, transport and export of the live wildlife specified on the license. Private game farm wildlife may be killed or slaughtered but a person shall not kill the wildlife by hunting or in a manner that could be perceived as hunting or recreational sport harvest. Private game farm wildlife shall not be killed by a person who pays a fee to the owner of the game farm for killing the wildlife, except as allowed under R12-4-414, R12-4-415, R12-4-416, and R12-4-419.
- B.** The following criteria are prerequisites for approval of a private game farm license:
  1. Escape of the proposed species will not create a threat to indigenous wildlife.
  2. An applicant shall provide, with the application required by subsection (C), a detailed diagram of the facilities where wildlife is to be held and a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428.
  3. The Department may issue a license for only the following pen-reared game birds:
    - a. *Alectoris chukar*, chukar;
    - b. *Callipepla californica*, California or valley quail;
    - c. *Callipepla gambelii*, Gambel's quail;
    - d. *Callipepla squamata*, scaled quail;
    - e. *Colinus virginianus*, northern bobwhite. License is required only Units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108;
    - f. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
    - g. *Dendragapus obscurus*, blue grouse; and
    - h. *Phasianus colchicus*, ringneck and whitewing pheasant.
  4. The Department may issue a license for fox or mink if a prior inspection of the holding facilities or the plans for those facilities by the Department proves escape is unlikely.
  5. With the exception of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, the Department may issue a license for other mammals listed as restricted live wildlife only if:
    - a. The same species does not exist in the wild in Arizona;
    - b. The wildlife is disposed of only by export from Arizona, to game farms licensed under this rule, to zoos licensed under R12-4-420, or to medical or scientific research facilities with an exemption under R12-4-407;
    - c. The application required in subsection (C) is accompanied by proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A., Animal Welfare; and

- d. The application required in subsection (C) is accompanied by a typed proposal explaining the species to be possessed, the purpose of possession, the purpose of propagation if applicable, the planned disposition of wildlife including progeny, and how the licensee will prevent escape, threat to native wildlife, and threat to public safety.
6. The Department may issue a license for any other restricted live wildlife not addressed in subsections (B)(3), (B)(4), or (B)(5), only if the wildlife was held under a private game farm license issued before April 28, 1989.
7. An applicant shall submit a separate application for each location.
- C.** An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:
  1. Name, address, and telephone number of the applicant;
  2. Location of game farm, including street address or legal description;
  3. Species and number of live wildlife to be obtained or, if application is for renewal, species and number of live wildlife that are currently in captivity; and
  4. Signature of applicant.
- D.** A licensee shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.
- E.** A licensee shall maintain records for three years that include the number, species, source, and date of wildlife obtained or raised and the number, species, and date of disposition and manner of disposition of all wildlife, including the names of persons to whom wildlife is sold, bartered or given.
- F.** A licensee shall provide a receipt to each person transporting dead wildlife from the site of the game farm. The receipt shall include the date of purchase, barter, or gift; the name of the game farm; and the number, by species, of transported wildlife.
- G.** A licensee shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm, date shipped, the number of species and the number of individuals per species of wildlife in the shipment, the name of the person or common carrier transporting the shipment, and the name of the person who will receive the shipment.
- H.** A game farm licensee is subject to R12-4-409, R12-4-428, and R12-4-430.

##### **Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### **R12-4-414. Shooting Preserve License**

- A.** A shooting preserve license allows the year-round release of pen-reared game birds as specified on the license, at the site specified on the license, for the purpose of hunting or shooting by persons who may be charged a fee. It also allows any or all of the following: import, purchase, possession, transport, trade, display for sale, offer for sale, sale, gift, propagation and export of the live wildlife specified on the license.
- B.** The following criteria are requisite to approval of a shooting preserve license.
  1. A possible escape of the proposed species would not create an unacceptable danger to indigenous wildlife.

2. The operation of the facility shall not pose a threat to public safety or to indigenous wildlife.
  3. The Department may issue a license for only the following game birds:
    - a. *Alectoris chukar*, chukar.
    - b. *Anas platyrhynchos*, mallard duck.
    - c. *Colinus virginianus*, northern bobwhite.
    - d. *Phasianus colchicus*, ringneck and whitewing pheasant.
  4. The Department may issue a license for any other live wildlife only when the wildlife was held pursuant to a shooting preserve license prior to the effective date of this rule.
  5. The shooting preserve shall be located on private land and shall not exceed 1000 acres.
- C.** Application for a shooting preserve license shall be made on a form provided by the Department, and shall be accompanied by a detailed diagram of the facilities where the wildlife is to be held establishing how the licensee shall prevent escape, threat to native wildlife and threat to public safety, and a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. Application will require the following to be provided by the applicant:
1. Name, address, and telephone number;
  2. Legal description of shooting preserve location;
  3. Species and number of individuals of each species of live wildlife to be obtained or, if application is for renewal, which are currently in captivity;
  4. Signature of applicant.
- D.** Each shipment of live wildlife imported into the state shall be accompanied by a certificate of health issued by a licensed veterinarian.
- E.** The boundaries of the shooting preserve shall be plainly posted every 100 yards with legible signs. Each sign shall indicate that the area behind the sign is a private shooting preserve and display the name of the shooting preserve.
- F.** A receipt shall be provided to each person transporting dead wildlife from the site of the shooting preserve. The receipt shall include the date of purchase and the name of the shooting preserve, and the number by species of wildlife to be transported.
- G.** Shipments of dead wildlife made by the shooting preserve shall be accompanied by documentation showing the name of the shooting preserve, date shipped, the number and species of wildlife in the shipment, and the name of the person or common carrier transporting the shipment and the name of the person who will receive the shipment.
- H.** No hunting license is required to hunt released wildlife on a licensed shooting preserve, and the season may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a shooting preserve license.
- I.** Wildlife released on a shooting preserve may be taken by any method not prohibited in R12-4-303.
- J.** Licensee shall keep records for three years which shall include the number, source and date of wildlife obtained or reared and the number, species and date of disposition and manner of disposition of all wildlife, including the names of persons to whom the wildlife was sold, bartered or given.
- K.** Shooting preserve licenses are subject to the provision of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2).

#### R12-4-415. Field Trial License

- A.** A field trial license allows the release and take of released live pen-reared birds specified on the license for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event. It also allows the import or purchase within Arizona, possession, and transport of the birds specified on the license for one field trial event. Birds may be possessed alive by the licensee after the field trial event until December 31 of the year the license was issued. Birds possessed alive subsequent to the field trial event may be transported and may be given away, exported or killed.
- B.** The following criteria are requisite to approval of any field trial license application.
1. The field trial event shall not exceed 10 consecutive days.
  2. Release shall not be approved for any site where there is an established wild population of the same species of upland game birds or where release of birds may interfere with wildlife or habitat restoration programs, or during nesting periods if there are nesting upland game birds or waterfowl in the area.
  3. The Department may issue a license for only the following game birds:
    - a. *Alectoris chukar*, chukar;
    - b. *Anas platyrhynchos*, mallard duck;
    - c. *Colinus virginianus*, northern bobwhite;
    - d. *Phasianus colchicus*, ringneck and whitewing pheasant.
- C.** Application shall be made on a form provided by the Department. The form shall be accompanied by a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. The form requires that the following be provided by the applicant:
1. Name, phone number and address of the applicant;
  2. Number and species of live birds to be used in the event;
  3. Legal description for location of event;
  4. Beginning dates of the event;
  5. Signature of applicant.
- D.** Each shipment of birds imported shall be accompanied by a certificate of health from a licensed veterinarian for the shipment.
- E.** The field trial event shall be held only on the dates and in the location specified on the license, and only the species of birds specified on the permit shall be released or taken.
- F.** Any released birds not taken or recovered during the dates specified on the permit become property of the state.
- G.** No hunting license shall be required for participants in a field trial event held pursuant to the provisions of this rule. The licensee or a representative for the licensee shall have the field trial license in possession during the event at the site of the event. Released wildlife may be taken by any method not prohibited in R12-4-303.
- H.** Wildlife being transported from a field trial event shall have a tag or label affixed to each container of live birds, carcass or package listing:
1. The name of the licensee,
  2. The date of shipment or transport,
  3. The number and species of wildlife,
  4. The name of the person or common carrier transporting them and the name and address of the person who will receive the shipment.
- I.** Licensee shall submit a report to the Department within 30 calendar days following the event, of the species and number of birds released and retaken. A list of names and addresses of

participants shall be available for inspection by the Department.

- J. Field trial licenses are subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2).

#### R12-4-416. Field Trial Training Permit

- A. A field trial training permit allows the release and take of released live pen-reared birds specified on the permit, by one individual for the purpose of dog or raptor training. Birds may be purchased within Arizona, or imported when the shipment is accompanied by a certificate of health issued by a licensed veterinarian. Birds possessed pursuant to this rule may be transported, and may be given away, exported or killed.
- B. The following criteria are requisite to approval of any field trial training permit.
1. Release shall not be approved for any site where there is an established wild population of the same species of birds or where release of birds may interfere with wildlife or habitat restoration programs, or during nesting periods if there are nesting upland game birds or waterfowl in the area.
  2. The Department may issue a license for only the following game birds:
    - a. *Alectoris chukar*, chukar;
    - b. *Anas platyrhynchos*, mallard duck;
    - c. *Colinus virginianus*, northern bobwhite;
    - d. *Phasianus colchicus*, ringneck and whitewing pheasant.
- C. Application shall be made on a form provided by the Department. The form shall be accompanied by a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the permit or deny the application within 30 calendar days of receiving the application. The form requires that the following be provided by the applicant:
1. Name, address and phone number;
  2. Proposed geographic location of sites where release is to occur;
  3. Proposed dates during which training would occur at each site;
  4. Signature of applicant.
- D. Release shall occur only within locations and dates approved and specified on the permit, and only the species of birds specified on the permit shall be released or taken.
- E. The permit shall be in the possession of the permittee during dog training and transport of wildlife.
- F. No hunting license shall be required for take of birds released pursuant to the provisions of this rule by the permittee. Pursuit of nonreleased wildlife requires a hunting license.
- G. The field trial training permit is subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

#### R12-4-417. Wildlife Holding License

- A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, the Department shall issue wildlife holding licenses to qualified individuals for the purposes provided in this Section. The wildlife holding license authorizes the person holding the license to engage in specific activities with the specific live wildlife listed on the license. The activities shall

be listed on the license to be authorized and may include but not be limited to any of the following: possession, transportation, importation, educational display, exhibit, purchase, propagation, export, give away, or kill. The Department's evaluation of the applicant's proposal and qualifications and the purpose of the license will determine if the Department will issue or deny the permit and the activities the license authorizes.

- B. The Department shall not issue a license to any applicant whose privilege to take or possess wildlife is under current suspension or revocation by the government of any state or the United States.
- C. The Department shall issue a wildlife holding license only for the primary purposes following, when the purpose is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in Arizona, and may be served without posing a threat to wildlife or public safety:
1. Wildlife management: gathering information valuable to maintenance of wild populations;
  2. Education;
  3. The advancement of science, or promotion of the public health or welfare;
  4. When humane treatment by a person is necessary to safeguard and protect the interests of an animal unable to meet its own needs in the wild, when it has been abandoned, or permanently disabled, or is no longer useful for any previously-existing licensed purpose.
- D. The Department shall issue a wildlife holding license for the sole purpose of exhibiting live wildlife already possessed under the authority of R12-4-404 or already possessed under R12-4-417, when the wildlife may be exhibited without posing a threat to wildlife or the public and will not adversely impact other affected wildlife in Arizona.
- E. Applicants for a wildlife holding license shall obtain from and submit to the Department a form providing the following information:
1. The applicant's name, mailing address, and telephone number.
  2. If applicable, the name, address, and telephone number of the educational, scientific, or other institutional affiliation of the applicant.
  3. The species, or higher taxa, if appropriate, of wildlife proposed for an allowable activity.
  4. The applicant's signature.
- F. Applicants for a wildlife holding license shall also submit the following with their application form:
1. If the wildlife is currently in possession, submit evidence of lawful possession as defined in R12-4-401. If the wildlife is not yet in possession, submit proof of application for evidence of lawful possession. If the application is for exhibit of wildlife possessed under the authority of R12-4-404, provide an affidavit that the wildlife was lawfully taken under authority of a hunting or fishing license in accordance with Commission order or is the progeny of wildlife lawfully taken.
  2. The street address or legal description of the location where the wildlife is to be held and a detailed diagram of the facilities where the wildlife is to be held.
  3. A detailed description of the procedures that will be used to meet the requirements of R12-4-428.
  4. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of other experience that may be relevant to handling or providing care for wildlife.
  5. The dates proposed to begin and end holding the wildlife.

6. A statement of the planned disposition and method of disposition of the wildlife at the conclusion of the proposed activities.
  7. If the purpose of the license is for wildlife management, education, the advancement of science, or the promotion of the public health or welfare, submit a detailed description of the proposed management, educational, or scientific activity.
  8. If the purpose of the license is for humane treatment, submit a written statement explaining why the wildlife is unable to meet its own needs in the wild, whether it has been abandoned, or permanently disabled, or is no longer useful for any previously existing licensed purpose. The statement shall also specify where the wildlife is currently possessed and who possesses it.
  9. If the purpose of the license is to exhibit live wildlife already possessed under the authority of R12-4-404 or already possessed under R12-4-417, submit a detailed description of the proposed exhibit activity.
- G.** The Department may require that wildlife used for lawful activities under the authority of the wildlife holding license be permanently marked for identification purposes, when the Department determines this is necessary for the best interest of the public and the wildlife. If this is a requirement, it will be specified on the license.
- H.** The licensee shall ensure that a copy of the license accompanies any shipment of wildlife made under the authority of the license.
- I.** The licensee shall annually obtain from and submit to the Department a report form providing the following information within 30 days after the license expires:
1. The licensee's name, address, and phone number;
  2. A listing of each animal held during the year, by species, including the source and date of acquisition and the place and date of disposition for each animal.
- J.** The licensee shall comply with R12-4-409, R12-4-428, and R12-4-430.
- K.** Wildlife holding licenses expire on December 31 of the year of issuance, or, if the licensee is a representative of an institution, organization, or agency, upon termination of affiliation with that entity, whichever comes first.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).
- R12-4-418. Scientific Collecting Permit**
- A.** A scientific collecting permit allows the following, subject to Department evaluation of and stipulations to the application submitted in compliance with subsection (C):
1. A permittee may take wildlife specified on the permit in the localities and time periods specified on the permit by any method prescribed in R12-4-304 or R12-4-313. If specifically authorized on the permit, the permittee may take the wildlife by the use of stupefying or deleterious substance, electroshock, pitfall, leghold trap, snare, or net, and at night by firearm, providing the least-onerous, practical method is employed. The Department may rescind or modify any method of take authorized on the permit to protect the interests of wildlife or public safety. The permit may restrict the number of animals per species or other taxa that may be taken, as well as the age or condition of the wildlife that may be taken.
  2. A permittee may possess, transport, propagate, or educationally display live wildlife specified on the permit. A person shall not exhibit wildlife held under a scientific collecting permit.
  3. A permittee shall dispose of live wildlife specified on the permit by releasing the wildlife when not removed from the area where captured, by releasing the wildlife in a location previously approved by the Department, or as authorized by the Department.
  4. A permittee shall only release live wildlife specified on the permit when the wildlife is not removed from the area where captured, or when the wildlife is released in a location previously approved by the Department.
- B.** The Department shall issue a scientific collecting permit only if:
1. The applicant's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States;
  2. The permit is for the purpose of wildlife management; gathering information valuable to maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;
  3. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in Arizona, and may be served without posing a threat to wildlife or public safety;
  4. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and
  5. The Department has verified the purpose based on a written project proposal submitted as part of the application form required in subsection (C).
  6. The Department may require submission of interim reports in addition to those required by subsection (G), and may make the submission of these additional interim reports a criterion for permit issuance.
- C.** An applicant shall provide the following information on an application form supplied by the Department:
1. Name, home address, home telephone number, and physical description of applicant;
  2. If applicable, the name, address, and telephone number of the scientific or educational institution affiliation or governmental employer;
  3. A complete list by species, or higher taxa, if applicable, of all wildlife for which collecting authorization is sought and the number of individuals per taxon;
  4. The locality or localities for which collecting activities are proposed;
  5. Whether the applicant proposes to:
    - a. Salvage specimens found dead;
    - b. Collect specimens alive and keep them;
    - c. Collect specimens by killing;
    - d. Collect specimens alive and release at the site where taken without transporting from that site after photographing, banding, or marking them with rings, bands, collars, brands, or other markings.
  6. The method or methods of take to be used, including justification for selection of the methods proposed; and
  7. Planned disposition of wildlife collected and progeny of wildlife collected.
- D.** An applicant shall submit with the application form, a detailed project proposal, not to exceed three pages, explaining the purpose, methods, completion schedule, and publication intent of the project; stating the qualifications of the applicant relative to the proposal; and describing in detail the procedures the applicant will use to meet the requirements of R12-4-428.

- E. The applicant shall submit the application to the Department's Phoenix office.
- F. The Department issues each scientific collecting permit to an individual, but an applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf, provided that:
  - 1. An employment or supervisory relationship exists between the permittee and the agent, and the agent's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States; and
  - 2. If the permit limits the number of animals that may be collected, the limit applies to the aggregate of all agent collectors.
- G. A permittee may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (F). The Department shall approve or deny the request within 30 calendar days of receipt.
- H. A permittee shall notify the Department in writing within 10 calendar days of terminating any agent.
- I. Before collecting any wildlife at night with firearms, a permittee shall notify the regional Department office nearest the locality of the planned collection and advise that office of the dates, times, places and methods of collection.
- J. A permittee shall ensure that a copy of the permit accompanies any shipment of wildlife made under authority of the permit.
- K. A permittee shall file a written report on a form available from the Department, within 30 days after expiration of the permit. A report is required even if no collecting was done. The permittee shall provide the following information and shall include information from agents acting for the permittee:
  - 1. Name and address of the permittee and any agency affiliation relevant to the permit;
  - 2. Name and address of all agents;
  - 3. Scientific collecting permit number and date of issuance;
  - 4. A list by specimen of all species collected, live or dead, of any species the Department includes on the permit, providing detailed localities of collection, observation, banding, or other handling, dates of take, places of disposition, and other relevant information the Department includes on the permit; and
  - 5. A list by individual for all species live or dead, collected, banded, possessed, or disposed of that are not listed in accordance with subsection (K)(4).
- L. A permittee under this Section is subject to R12-4-409 and R12-4-428.
- M. A scientific collecting permit expires on December 31 of the year of issuance, or, if the permittee is a representative of an institution, organization, or agency, upon the permittee's termination of affiliation with that entity, whichever comes first.
- N. This rule is effective July 1, 2001.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2).

#### R12-4-419. Wildlife Hobby License

- A. A wildlife hobby license allows any or all of the following: import, purchase, possess, propagate, give away, kill, transport and export pen-reared live wildlife for personal, noncommercial use only. The wildlife may also be displayed for noncommercial purposes but shall not be displayed or maintained in conjunction with any commercial establishment.
- B. The following criteria are requisite to approval of a wildlife hobby license.
  - 1. A possible escape of the proposed species would not create a threat to indigenous wildlife.
  - 2. The issuance of a license shall be for a purpose in the best interest of the wildlife or species to be held and shall not adversely impact upon any other affected wildlife in Arizona.
  - 3. The Department may issue a license for only the following pen-reared game birds:
    - a. *Alectoris chukar*, chukar;
    - b. *Callipepla californica*, California or valley quail;
    - c. *Callipepla gambelii*, Gambel's quail;
    - d. *Callipepla squamata*, scaled quail;
    - e. *Colinus virginianus*, northern bobwhite; a license is required only in Units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;
    - f. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
    - g. *Dendragapus obscurus*, blue grouse;
    - h. *Phasianus colchicus*, ringneck and whitewing pheasant.
- C. Application shall be made on a form available from any Department office. Application to possess more than 25 birds shall be accompanied by a detailed diagram of the facilities where the wildlife is to be held and a detailed description of the procedures to be employed by the applicant to meet with the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days. Application requires the following to be provided by the applicant:
  - 1. Name, address and telephone number of the applicant;
  - 2. Location where wildlife is to be held, either:
    - a. Street address, or
    - b. Legal description;
  - 3. Species of wildlife to be obtained or, if application is for renewal, species currently in captivity;
  - 4. Signature of applicant.
- D. Wildlife hobby licenses are subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2).

#### R12-4-420. Zoo License

- A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a zoo license allows all of the following: exhibit, educational display, import, purchase, export, possession, propagation, euthanization, transport, giving away, offering for sale, and sale or trade of restricted live wildlife and other Arizona wildlife legally possessed, subject to the following restrictions:
  - 1. A licensee shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from temporary exhibits. Temporary exhibits shall not exceed 20 consecutive days at any one location.
  - 2. A licensee shall only dispose of restricted live wildlife within Arizona to another zoo licensed under this Section, to a game farm licensed under R12-4-413, to a medical or scientific research facility exempted under R12-4-407, or as directed by the Department.
  - 3. A licensee shall not accept any wildlife donations, or purchase or otherwise obtain wildlife without accompanying evidence of lawful possession.

4. A licensee may dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed by the Department.
- B. The following criteria are prerequisites for approval of a zoo license:
  1. The Department shall ensure that the operation meets the definition of "zoo" at A.R.S. § 17-101(A)(23).
  2. An applicant shall submit with the application proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare.
  3. The Department shall ensure that the issuance of a license is for a purpose in the best interest of the wildlife or species to be held, does not adversely impact upon any other wildlife in Arizona, and does not pose a threat to wildlife or public safety.
- C. An applicant shall use a form available from any Department office. The applicant shall provide the following information on the form:
  1. Name and location of the zoo;
  2. Mailing address and telephone number for the zoo;
  3. Signature of owner or person responsible for the zoo; and
  4. If the application is not for renewal of a previously granted license, a list, by species, of restricted live wildlife and other legally possessed Arizona wildlife to be held and the number of each species. The list shall include scientific and common names for restricted live wildlife as specified in R12-4-406.
- D. A licensee shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, date received, any Department approval authorizing acquisition, and the date and method of disposition.
- E. A licensee under this Section is subject to R12-4-409 and R12-4-430.
- B. The following criteria are prerequisites for approval of a wildlife service license:
  1. The applicant's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States; and
  2. The licensee has provided documentation to prove a minimum of six months of full-time employment or voluntary service experience in handling wildlife of the species or groups of species for which the wildlife service license will be valid.
- C. An applicant shall use a form available from any Department office. An applicant shall provide the following information at the time of application:
  1. The applicant name, mailing address, day and night telephone numbers to be provided to the public seeking service, and hours and days of the week when the applicant will be available for service;
  2. A list of furbearing, predatory, small game, or nongame wildlife, by species or groups of species, for which authorization is requested;
  3. The general geographic area where services are to be performed;
  4. The signature of the applicant and the date of application submittal; and
  5. A written narrative statement containing an explanation of the applicant's experience in the capture, handling, and removal of wildlife, specifying all species of wildlife for which the applicant has performed the function and referencing the general location and dates that the services were performed, along with the methods of disposition for wildlife captured.
- D. A licensee shall be in possession of a copy of the approved license at all times when the licensed function is being performed.
- E. A licensee shall capture, remove, transport, or relocate to the wild any wildlife taken under this Section in the manner that is least likely to cause injury to the wildlife and least likely to result in negative human interaction. The licensee shall not possess wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, except as allowed by R12-4-427. Wildlife shall not be displayed or exhibited during any period of possession under this Section.
- F. A wildlife service licensee shall advise the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.
- G. A licensee may, at any time during the license period, make a written request to amend the license to add or delete authority to transport and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A). The Department shall grant or deny the request within 60 calendar days of receipt.
- H. A licensee seeking renewal of a wildlife service license without change to the species or species groups they are authorized to handle under an approved license may reference supportive materials submitted previously, rather than submitting copies of the materials with the application for renewal.
- I. A licensee shall submit a written report to the Department before January 21 following each license year. The report shall contain the following information:
  1. The licensee's name, address, telephone number, and license number; and
  2. A list of all services performed under the license during the preceding calendar year, including for each service the date, location of service, number and species of wild-

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### R12-4-421. Wildlife Service License

- A. A wildlife service license allows the live capture, transport, and relocation to the wild of furbearing, predatory, or nongame wildlife that is causing a nuisance or property damage, or posing a threat to the health or life of any human being, or if the life, health, or well-being of the wildlife is threatened by the condition of its immediate environment. A wildlife service license also allows the live capture, transport, and relocation to the wild of small game wildlife if the licensee is operating under a valid small game depredation permit issued under R12-4-113 to the wildlife service licensee or another for whom the licensee is acting as an agent. The Department shall issue a wildlife service license to a qualified individual subject to Department evaluation of and stipulations to the application submitted in compliance with subsection (C). Only the individual named on the license may conduct activities the license authorizes. A wildlife service license is not valid for any wildlife protected by federal law or regulation unless supported by federally-issued documentation rendering the activity lawful. Persons employed by and conducting activities under the auspices of any public safety government agency or incorporated business authorized to provide public safety measures are exempt from the licensing requirements of this Section.

- B. A licensee shall be in possession of a copy of the approved license at all times when the licensed function is being performed.
- C. A licensee shall capture, remove, transport, or relocate to the wild any wildlife taken under this Section in the manner that is least likely to cause injury to the wildlife and least likely to result in negative human interaction. The licensee shall not possess wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, except as allowed by R12-4-427. Wildlife shall not be displayed or exhibited during any period of possession under this Section.
- D. A wildlife service licensee shall advise the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.
- E. A licensee may, at any time during the license period, make a written request to amend the license to add or delete authority to transport and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A). The Department shall grant or deny the request within 60 calendar days of receipt.
- F. A licensee seeking renewal of a wildlife service license without change to the species or species groups they are authorized to handle under an approved license may reference supportive materials submitted previously, rather than submitting copies of the materials with the application for renewal.
- G. A licensee shall submit a written report to the Department before January 21 following each license year. The report shall contain the following information:
  1. The licensee's name, address, telephone number, and license number; and
  2. A list of all services performed under the license during the preceding calendar year, including for each service the date, location of service, number and species of wild-

life removed, and the final disposition of each animal removed, including the location of release.

- J. A licensee under this Section is subject to R12-4-409 and R12-4-428.
- K. This rule is effective July 1, 2001.

#### Historical Note

Adopted effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2).

#### R12-4-422. Sport Falconry License

- A. For the purposes of this Section, the following definitions apply:

1. "Eyas" means a flightless raptor that is found in the nest and is dependent upon a parent bird for food.
2. "Form 3-186A" means U.S. Fish and Wildlife Service Migratory Bird Acquisition and Disposition Report, Form 3-186A, dated July 1999, not including any later revisions. This form is incorporated by reference. A copy of the incorporated form is on file with the Secretary of State and available from the U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 709, Albuquerque, New Mexico, 87103-0709, and all Arizona Game and Fish Department Regional offices.
3. "Passage" means a raptor in immature plumage, capable of flight and able to hunt and obtain its own food, and which is less than 1 year of age.
4. "Raptor" means a live bird of the order Falconiformes or the order Stringiformes, other than a bald eagle (*Haliaeetus leucocephalus*), which under the provisions of this rule may be used in the practice of falconry;
5. "Sponsor" means a licensed Class II or Class III falconer who agrees to supervise and instruct no more than three Class I falconers in the practice of falconry at any one time.

- B. An Arizona resident possessing any raptor for the purpose of sport falconry shall possess an Arizona Sport Falconry License. An Arizona resident possessing a raptor not listed in 50 CFR 10.13 for a purpose other than sport falconry is not required to possess an Arizona Sport Falconry License. Visiting nonresident falconers licensed in their state of residency are exempted under R12-4-407.

- C. The Department shall inspect the raptor housing facilities and equipment of any applicant not previously licensed in Arizona, and determine that the facilities and equipment meet the requirements of this rule, before issuing a license to the applicant. A license is valid from the date it is issued by the Department until the third December from the date of issue. The Department shall issue a Sport Falconry License to an applicant who complies with application procedures in this rule and meets the following criteria:

1. For a Class I Apprentice Sport Falconry License:
  - a. Is 14 years of age or older;
  - b. Has a sponsor at the time of application, and shall provide to the Department a written commitment from the sponsor to continue sponsoring the applicant for the first two years as a licensed falconer;
  - c. Answers correctly at least 80% of the questions on an examination supervised and administered by the Department and approved by the U.S. Fish and Wildlife Service, relating to basic biology, care, and handling of raptors, and other subject matter related to falconry.
2. For a Class II General Sport Falconry License:
  - a. Is 18 years of age or older;

- b. Has at least two years of falconry experience at the Class I level, computed from the date that the applicant obtained the first Class I Apprentice Sport Falconry License.

3. For a Class III Master Sport Falconry License:

- a. Is 23 years of age or older;
- b. Has at least five years of falconry experience at the Class II level, computed from the date that the applicant obtained the first Class II General Sport Falconry License.

- D. Any new resident shall make application for an Arizona Sport Falconry License within 30 days of importing any raptor possessed by the authority of a license authorizing falconry issued by another lawful jurisdiction. Any applicant for an Arizona Sport Falconry License shall present any raptor in possession for inspection at the time their facilities are inspected.

- E. Applicants shall provide the following information on a form available from the Department, and shall sign the completed form:

1. Name, address, and telephone number;
2. Physical description and date of birth;
3. Valid Arizona hunting license number and identification number;
4. The Sport Falconry License classification desired. Class I applicants shall supply their sponsor's name and address on the form;
5. The number of raptors the applicant possesses at the time of application and the species; age, if known; sex, if known; band numbers (if banded); date of acquisition; and source of each.

- F. A Class I licensee may possess only one raptor at a time; the raptor may be lawfully obtained in another state. The Class I licensee shall obtain all birds from the wild and shall not obtain more than one raptor for replacement purposes during any 12-month period. A Class I licensee shall not take an eyas bird.

- G. A Class II licensee shall not possess more than two raptors at a time. The raptors may be any species except a golden eagle or a species listed as endangered or threatened. A Class II licensee shall not obtain more than two raptors during any 12-month period.

- H. A Class III licensee shall not possess more than three raptors at a time. The raptors may be of any species. A Class III licensee shall not obtain more than two raptors taken from the wild during any 12-month period, but may obtain raptors from other lawful sources within the three-raptor possession limit.

- I. All Sport Falconry License applicants and licensees shall provide either an indoor or outdoor housing facility with the following attributes, designed to protect the raptor from the environment, predators and undue disturbances:

1. Indoor facilities.
  - a. An area large enough to allow easy access for caring for the raptors housed in the facility;
  - b. An area for each bird large enough to allow each raptor to fully extend its wings, with perches textured to prevent foot problems;
  - c. At least one window, protected on the inside by vertical bars, spaced narrower than the width of the raptor's body, and a door that can be easily closed and secured;
  - d. A well drained floor designed to permit easy cleaning;
  - e. Tethers or partitions separating each raptor, if the licensee is keeping more than one raptor in the same facility.
2. Outdoor facilities.

- a. A fenced and covered enclosure with netting or wire, or roofed to protect the raptors from disturbance and attack by predators, except that perches more than 6 1/2 feet high need not be covered or roofed;
  - b. An enclosed area large enough to ensure the raptors cannot strike the fence when flying from the perch;
  - c. Protection from the sun, wind, and inclement weather for each raptor and perches which are textured to prevent foot problems.
- J.** All Sport Falconry License applicants and licensees shall possess and use the following equipment:
1. At least one pair of jesses constructed of pliable, high-quality leather or synthetic material, containing bracelets to affix to each leg of a raptor, with a grommet through which a strap passes freely so that an escaped raptor can pull the strap out of the bracelet. The licensee shall use this equipment when any raptor is flown free. Licensees may use traditional one-piece jesses on raptors only when not being flown;
  2. At least one flexible, weather-resistant leash and one strong swivel designed for falconry;
  3. At least one container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;
  4. At least one raptor perch for each raptor;
  5. A reliable scale or balance suitable for weighing the raptor or raptors, held and graduated to increments of not more than 1/2 ounce, or 15 grams.
- K.** A Sport Falconry License Class I, II, or III falconer licensed in Arizona or a state recognized by the U.S. Fish and Wildlife Service as meeting federal falconry standards may capture raptors for the purpose of falconry only, in accordance with the Commission order establishing raptor capture seasons for licensed falconers. When there is reason to believe that a species of raptors may be over-harvested by nonresidents if the number of permits is not limited, the Commission shall specify the number of permits available to nonresidents in the Commission order.
1. During capture, the licensee shall have in possession the Sport Falconry License or falconer license issued by another lawful jurisdiction, Arizona hunting license, and any required hunt permit-tag issued to that licensee.
  2. The licensee shall immediately release any nontarget raptor inadvertently captured. If the raptor is wearing a band or other marker the licensee shall report the capture and release of the marked bird to the Department, along with any identifying number and related information.
  3. The licensee shall not remove any eyas raptor from any nest unless one or more live eyas raptors remain in the nest after the removal.
  4. The licensee may capture raptors only with traps or bird nets which are unlikely to cause injury to the raptor, and shall not use mist nets, steel-jawed traps, or stupefying substances.
  5. The licensee shall ensure that all traps or nets in use are in constant attendance, and that any raptor trap or net being used is plainly identified with the licensee's name and address.
  6. The licensee shall present each captured Harris hawk, Gyrfalcon, or Peregrine falcon to the Department within five calendar days after capture. A Department representative shall attach a numbered band to one leg of the lawfully obtained raptor. This band shall not be removed except by an authorized official of the Department, or except as provided in this rule. Licensees shall not alter, counterfeit, or deface a band but may remove the rear tab on the band and may smooth any imperfect surface provided the integrity of the band and numbering are not affected. Raptors other than Harris Hawks, Gyrfalcons, or Peregrine falcons shall not be banded.
- L.** A licensee may exhibit or use for educational display a lawfully held raptor.
- M.** Licensees may retain and exchange feathers that are molted or those feathers from raptors held in captivity that die only for purposes of repairing or replacing a broken feather with a feather.
- N.** If any raptor used in falconry incidentally kills any species of wildlife for which there is no open season or for which the season is closed, the licensee shall not take the dead wildlife into possession. The licensee shall leave the wildlife where it lies, but may allow the raptor making the kill to feed on the dead wildlife before leaving the site.
- O.** Licensees may transfer raptors taken from the wild in Arizona to an Arizona resident's federal raptor propagation license, with the concurrence of the U.S. Fish and Wildlife Service.
- P.** A licensee shall not transfer a raptor taken from the wild in Arizona to another falconer or raptor breeder licensed outside of Arizona, or export the raptor from the state, without written authorization from the Department. The Department shall not authorize exportation transactions involving more than two raptors taken from the wild in Arizona, singly or in combination, per licensee in any calendar year. The Department shall deny any request for authorization of exportation when the number or species which have been or are being exported is not in the best interest of raptor management.
- Q.** A licensee may place a raptor or raptors listed in 50 CFR Part 10.13 in temporary facilities, under the care of another licensee, for a period not to exceed 30 days, providing that the licensee completes a Form 3-186A naming the temporary caregiver as the recipient and provides the raptor to the temporary caregiver to retain at the location where the raptor is being held. A licensee possessing a non-listed raptor may place it under the care of another person without restriction.
- R.** A licensee may do one of the following when in possession of a raptor no longer used in the practice of falconry:
1. Release the raptor to the wild into suitable habitat, provided that the raptor was taken from the wild in Arizona, and that all jesses, markers, or other equipment are removed, and that any federal marker is removed and returned to the Department within 10 days of release;
  2. Give the raptor to another licensed falconer, except as provided in subsection (P);
  3. Transfer the raptor to the Department;
  4. Sell or trade the raptor, if it is a lawfully possessed captive bred raptor marked with a seamless leg band.
- S.** Licensees changing residence to another jurisdiction may export their lawfully possessed raptors.
- T.** A licensee shall transfer the carcass of a raptor listed in 50 CFR Part 10.13 to a Department office, or destroy the carcass after receiving authorization for destruction of the carcass from the Department. The licensee shall remove any federal markers prior to destroying the carcass and return the markers to the Department.
- U.** A licensee shall report the escape of a raptor to the Department within five days. Any licensed falconer may recapture an escaped raptor at any time and shall notify the Department within five calendar days of the capture.
- V.** Within five calendar days of acquiring a raptor for falconry purposes, or disposing of a raptor possessed under the authority of this Section, a sport falconry licensee shall submit a

copy of Form 3-186A to the Department, completed and signed in accordance with the instructions on the form.

- W. A sport falconry licensee shall comply with R12-4-409.
- X. For federal requirements and permits, a sport falconry licensee shall consult applicable U.S. Fish and Wildlife Service regulations governing the possession and use of raptors.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4).

#### R12-4-423. Wildlife Rehabilitation License

- A. For the purposes of this Section, the following definitions apply:

1. "Agent" means a person designated on a license who assists a licensee in performing rehabilitative functions, including transport or release of wildlife, provided there is an employment or direct supervisory relationship between the licensee and the person.
2. "Assistant" means a person not designated as an agent who assists a licensee under direct supervision at the premises described on the license.
3. "License" means a form issued by the Department, and an application form submitted by an applicant and approved by the Department, including any stipulations made upon approval.
4. "Migratory birds" means all species listed at 50 CFR 10.13, revised October 1 1999, not including any later amendments or editions, which is incorporated by reference in this Section. A copy of the incorporated matter is on file with the Secretary of State and available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
5. "Taxa" means groups of animals within specific classes of wildlife occurring in Arizona with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation as follows:
  - a. Amphibians: all amphibians.
  - b. Reptiles: all reptiles.
  - c. Birds:
    - i. Non-passerines, birds in any order other than those named below;
    - ii. Raptors, birds in the orders Falconiformes or Strigiformes;
    - iii. Quail, birds in the order Galliformes;
    - iv. Doves, birds in the order Columbiformes;
    - v. Hummingbirds, birds in the order Trochiliformes; and
    - vi. Passerines, birds in the order Passeriformes.
  - d. Mammals:
    - i. Nongame mammals;
    - ii. Bats: all bats;
    - iii. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn; and
    - iv. Carnivores: bobcat, coati, coyote, foxes, ring-tail, skunks, and weasel.
  - e. All other systems of classification or nomenclature notwithstanding, endangered or threatened species and threatened native wildlife, as defined in R12-4-

401, and golden eagles, Gila monsters, twin-spotted rattlesnakes, and banded rock rattlesnakes are not included in the taxa defined above and shall not be possessed under license unless specifically authorized on that license.

- B. A wildlife rehabilitation license allows the live capture; transport; possession; rehabilitation; transfer to a practicing veterinarian for treatment or euthanasia or to another rehabilitator licensed for the wildlife; or release and euthanasia of the injured, diseased, disabled, orphaned, or otherwise debilitated live wildlife specified on the license. The license may also allow the wildlife to be exported, transferred to a licensed zoo or disposed of as directed by the Department. A person shall not educationally display or exhibit wildlife held under a wildlife rehabilitation license. The authorized activities are subject to Department evaluation of, and stipulations to, applications submitted in compliance with subsections (D) or (E). The Department may deny a license or limit a license based upon the training and experience of the applicant. The Department shall issue wildlife rehabilitation licenses subject to the following conditions:
  1. The Department shall issue a wildlife rehabilitation license only for the purpose of restoring wildlife to the wild through rehabilitative activities. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request;
  2. The Department shall issue a wildlife rehabilitation license to provide a public service. The names and telephone numbers of all licensees are subject to public disclosure by the Department, and a licensee shall not charge a fee or other compensation for the wildlife rehabilitation functions performed;
  3. The Department shall issue a wildlife rehabilitation license to an individual who is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omissions of all agents and assistants; and
  4. The Department shall issue a wildlife rehabilitation license that is valid only for the premises described on the license.
- C. The following criteria are prerequisites for approval of a wildlife rehabilitation license:
  1. The privilege of the applicant or any agent to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States.
  2. The Department shall issue a license to rehabilitate migratory birds only to persons 18 years of age or older. A minor's parent or legal guardian shall cosign the application of a minor to rehabilitate any other species and shall ensure that the application is notarized before submittal. See subsection (B)(3).
  3. The applicant shall provide documentation to prove one or more of the following:
    - a. A valid, current license issued by a state veterinary medical examination authority, authorizing the applicant to practice as a veterinarian;
    - b. A minimum of six months of experience performing wildlife rehabilitative work for an average of not less than eight hours per week for the taxa of animals covered under the license, while assisting a licensed wildlife rehabilitator, a veterinarian, or a state or federal wildlife agency; or
    - c. A current, valid wildlife rehabilitation license, issued by the government of any state or the United States.

4. The applicant shall provide documentation that, within the last five years, the applicant has answered correctly at least 80% of the questions on a written or tape-recorded examination, supervised and administered by the Department, related to: wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-428; human and wildlife safety considerations; this Section; and R12-4-409.
    - a. The Department shall administer the examination by appointment at any Department office during normal working hours.
    - b. The Department shall mail the written score of the examination to the applicant within 30 calendar days of the examination date.
    - c. The Department shall consider only those sections of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant; and
  5. Any licensee who, before the expiration of a Department license to rehabilitate wildlife, applies to continue without change the authorized activities for the authorized species and for no others is exempt from the written examination required by subsection (C)(4), unless written reports filed under subsection (Q) show that no rehabilitative functions were performed during the license period preceding the one for which the application is submitted.
- D.** An applicant shall use a form available from any Department office to apply for a wildlife rehabilitation license. Applications and licenses issued under this Section shall reference the taxa defined in subsection (A) or shall specify specific species.
1. The applicant shall submit the following information on the form:
    - a. Name, date of birth, mailing address, and telephone number of the applicant;
    - b. Names, dates of birth, mailing addresses, and telephone numbers of all agents;
    - c. Street addresses or legal descriptions of all premises at which wildlife rehabilitation facilities would be established
    - d. The taxa or species of wildlife proposed to be rehabilitated; and
    - e. Signature of the applicant and date of application submittal.
  2. The applicant shall include with the form typed, signed statements executed by all proposed agents, acknowledging that their privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or of the United States.
  3. The applicant shall also include with the form a typed, signed narrative statement demonstrating, describing, or including at a minimum the following:
    - a. Whether the applicant requests that methods of disposition of wildlife include export, transfer to a licensed zoo, or other methods under direction of the Department;
    - b. If the application concerns rehabilitation of taxa not currently authorized by the Department, a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for, the taxa for which the application is submitted;
    - c. Detailed diagrams of all rehabilitation facilities in which wildlife would be held, including facilities to be used by agents. The diagrams must describe holding facility dimensions, though not necessarily to scale, materials, location relative to buildings and fences, and relevant information about proposed construction and expected completion dates; and
    - d. A description of the procedures to be employed to ensure the standards set in R12-4-428 are always met, including cleaning methods; food and water supply; shelter; bedding; and mechanisms for prevention of escape by wildlife and, for potentially dangerous animals, protection of human safety.
  4. If required by subsection (C), the application shall include documentation of a passing score on the examination prescribed in subsection (C)(4).
  5. The applicant shall submit one or more of the following with the application:
    - a. A typed, signed statement that the applicant is a licensed, practicing veterinarian;
    - b. A typed, signed statement from the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or
    - c. A typed, signed statement from a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the licensee as necessary to facilitate rehabilitation of wildlife. The licensee shall be responsible for any veterinary expenses.
  6. A licensee seeking renewal of a wildlife rehabilitation license without change of species, location, or design of facilities may reference supportive materials submitted previously, rather than submitting copies of the materials with the application for renewal.
- E.** A licensee may, at any time during the license period, make a written request to amend the license to add or delete agents, to add or delete premises, or to obtain authority to rehabilitate additional taxa of wildlife. The request shall meet the requirements of subsections (C)(4) and (D)(1) through (D)(3). The Department shall grant or deny a request within 60 calendar days of receipt.
- F.** A licensee may accept donations to defray expenses or to provide materials or facilities essential to the licensed activity. Only those activities allowed under a wildlife rehabilitation license, as identified in subsection (B), are permitted during the solicitation of donations.
- G.** A licensee shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.
- H.** A licensee authorized to rehabilitate big game mammals, golden eagles, Gila monsters, twin-spotted rattlesnakes, banded rock rattlesnakes, endangered or threatened species, or threatened native wildlife as defined in R12-4-401 shall, within 24 hours of receiving the individual animal, contact the Department for instructions in handling that animal. While awaiting instructions, emergency veterinary care shall be provided as necessary.
- I.** Except when the Department has authorized possession for a longer period, a licensee shall not possess a raptor longer than 180 days; or other wildlife longer than 90 days. A licensee shall submit a written request to the Department to hold wildlife in excess of this period. The Department may require the licensee to provide a typed, signed statement from a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the licensee regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's

statement. The licensee may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time-dated directions on disposition of the animal.

- J. A licensee may hold wildlife under a wildlife rehabilitation license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but in no case for longer than has been authorized under subsection (I). Rehabilitated wildlife shall be released at an ecologically appropriate time of year and into a habitat suitable to sustain it:
  1. In the same geographic area as the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or
  2. In an area designated by the Department; and
  3. Without immediate threat to the animal of injurious contact with humans.
- K. To permanently hold rehabilitated wildlife that is unsuitable for release, a licensee shall apply for a wildlife holding license under R12-4-417.
- L. Unless otherwise stipulated in the license, a licensee shall dispose of all wildlife that is euthanized or that otherwise dies while held under license within 30 days of death by burial or incineration, except that the licensee shall transfer all carcasses of endangered or threatened species, threatened native wildlife, or golden eagles to the Department.
- M. A licensee shall ensure that a copy of the approved license and application accompanies any shipment or transport of wildlife under this Section, and is available for inspection at each of the premises authorized by the license.
- N. A licensee shall keep a current log that shows the date of acquisition, location, and disposition of all wildlife held under the license.
- O. Before January 16 of each year, a licensee shall file a written report on activities performed under the license for the previous calendar year. The licensee shall report on a form available from the Department. The written report shall contain the following information:
  1. The name, address, and telephone number of the licensee and all agents;
  2. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the licensee; and
  3. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the licensee or agent, the itemization shall include the: name of the species; condition that required rehabilitation; source, location, and date of acquisition; if reasonably determinable, age class at acquisition; status at disposition or end-of-year relative to the condition requiring rehabilitation; and method, place, and date of disposition. A copy of the rehabilitator's federal permit report of activities related to federally protected wildlife satisfies this reporting requirement for federally protected wildlife.
- P. A licensee shall participate in one of the following during the license period:
  1. Eight hours or more of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each licensee with a minimum of 30 calendar days' notice of the sessions.
  2. Eight hours or more of continuing education sessions on wildlife rehabilitation, offered by an accredited university or college; the National Wildlife Rehabilitators Association,

R.R. 1, Box 125 E, Brighton, Illinois 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, California 94598.

- Q. A licensee shall obtain written authorization from the Department under subsections (D) or (E) before designating any agent. The agent shall have the authorization in possession and available for inspection while in possession of wildlife. The licensee is responsible for acts of the agent if they fall within the framework of this Section. The Department may suspend or revoke the rehabilitation license for violation of this Section by an agent.
- R. A wildlife rehabilitation license expires on December 31 of the second year following the date of issuance of the license.
- S. A wildlife rehabilitation license is subject to R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).  
Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).  
Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

#### R12-4-424. White Amur Stocking License

- A. For this Section:
  1. "Closed aquatic system" means any body of water, water system, canal system, series of lakes, canals, or ponds where triploid white amur are prevented from ingress or egress by any natural or man-made barrier, as determined by the Department.
  2. "Triploid" means a species that has 3N chromosomes.
- B. A white amur stocking license allows for the importation, transportation, stocking and possession of triploid white amur (*Ctenopharyngodon idellus*). The Department may make stipulations on what the license will allow, based on evaluation of the application. A white amur stocking license shall be obtained for each closed aquatic system, for each separately managed portion of a closed aquatic system, or for multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur.
- C. In addition to the requirements in A.R.S. § 17-317, the following criteria are prerequisites for approval of a white amur stocking application:
  1. The proposed stocking site meets the definition of a "closed aquatic system."
  2. The purpose of the stocking is control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water; control of aquatic weeds that impair water quality; or for sale from licensed fish farms.
  3. If the Department determines during the substantive review time-frame for the special license identified in R12-4-106 and R12-4-409(A) that the stocking will be in watersheds containing threatened native wildlife as defined in R12-4-401, the applicant shall submit a written proposal that addresses the biological ramifications of the introduction. A determination by the Department that negative impact on Arizona wildlife may result from issuance of the license is sufficient grounds for denying a license. The proposal shall include:
    - a. The purpose of the introduction;
    - b. Expected benefits;
    - c. Possible negative impacts;
    - d. An evaluation of the ecology of "threatened native wildlife" species identified by the Department as the reason for requiring the proposal;

- e. An evaluation of potential displacement of “threatened native wildlife” identified by the Department;
  - f. An evaluation of disease potential; and
  - g. A method for post-introduction evaluation of status and impacts.
- D.** An applicant for a white amur stocking license shall use a form available from any Department office. The applicant shall provide the following information on the form:
- 1. Name and address;
  - 2. Name and address of business and title of the position held by the applicant, if applicable;
  - 3. Name and address of suppliers;
  - 4. Name and legal description of the aquatic system to be stocked;
  - 5. Drainage;
  - 6. Purpose of stocking;
  - 7. Planned stocking date;
  - 8. Number and size of triploid white amur to be stocked; and
  - 9. Signature.
- E.** A licensee shall report all restocking of white amur to the Department on forms provided by the Department before restocking. The licensee shall provide the following information on the form:
- 1. Name and address of the licensee as shown on the current white amur stocking license;
  - 2. Name and address of suppliers;
  - 3. Name and legal description of aquatic system to be restocked;
  - 4. Drainage;
  - 5. Purpose of restocking;
  - 6. Planned restocking date;
  - 7. Number and size of triploid white amur to be restocked; and
  - 8. Signature.
- F.** All shipments of white amur shall be accompanied by certification issued by the U.S. Fish and Wildlife Service verifying triploidy, and a licensee shall provide a copy of the certificate to the Department before stocking.
- G.** A white amur stocking license is subject to R12-4-409.
- H.** This rule is effective July 1, 2001.

#### Historical Note

Adopted as an emergency effective July 5, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, “Adopted as an emergency effective July 15, 1988...”; readopted and amended as an emergency effective October 13, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted as an emergency effective January 24, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2).

#### **R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Prior to the Effective Date of Article 4**

- A.** Any person lawfully possessing restricted live wildlife without license or permit from the Department prior to the effective date of this rule may continue to possess this wildlife and to use this wildlife for any purpose that was lawful prior to the

effective date of this rule, and no special license shall be required provided:

- 1. The person notifies the Department’s Phoenix office in writing within 30 calendar days of the effective date of this rule of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used; or
  - 2. The person maintains documentation of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used. Documentation shall be notarized and dated within 30 calendar days of the effective date of this rule in order to be valid.
- B.** Written notification or documentation required in subsection (A) shall contain the name and address of the person possessing the restricted live wildlife and the location where the wildlife is held. The Department shall acknowledge receipt of notification in writing. Those persons maintaining their own documentation shall make it available for inspection upon request of a game ranger.
- C.** Wildlife possessed pursuant to this rule may be disposed of only by the following methods:
- 1. Exportation;
  - 2. Within Arizona, to a holder of a special license, when that special license authorizes possession of the species involved;
  - 3. Euthanization;
  - 4. As otherwise directed by the Department.
- D.** This rule does not apply to desert tortoises, which are exempted pursuant to R12-4-407.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2).

#### **R12-4-426. Possession of Primates**

- A.** For the purposes of this Section, the following definitions apply:
- 1. “Primate” means a non-human primate not listed in subsection R12-4-406(A)(4).
  - 2. “Infant” means an animal weighing less than 50% of the weight of an adult as identified in “The Pictorial Guide to Living Primates,” Pagonias Press 1996, and not including any later edition. This material is incorporated by reference. A copy of the incorporated material is on file with the Secretary of State and available from all Arizona Game and Fish Department regional offices.
  - 3. “Zoonotic” means a disease that can be transmitted to humans by vertebrate animals.
- B.** A person shall not buy, sell, barter, gift, or import an infant primate in Arizona.
- C.** A person may import a non-infant primate into Arizona only if:
- 1. The primate has been tested for and reported to be disease free from any zoonotic disease that poses a serious health risk, including tuberculosis, Simian Herpes B virus, and Simian Immunodeficiency Virus, as determined by the Arizona Game and Fish Department to be appropriate to the species being imported; and
  - 2. Test dates and test result dates are within 30 days prior to the date of importation; and
  - 3. Tests were done by and test results were determined by qualified persons, as determined by the Arizona Game and Fish Department.
- D.** A primate shall be contained within the confines of the legal owner’s private property, except as follows:
- 1. When transported in a cage, crate, or carrier to or from a licensed veterinarian; or

2. When transported in a cage, crate, or carrier into or out of Arizona for lawful purposes, or within Arizona to complete a lawful sale.
- E. A primate that bites, scratches, or otherwise exposes a human to pathogenic organisms as determined by the Arizona Game and Fish Department shall be examined and laboratory tested for the presence of pathogens as follows:
  1. The Arizona Game and Fish Department Director or the Director's designee shall prescribe examinations and laboratory testing for the presence of pathogens.
  2. An Arizona licensed veterinarian shall perform examinations and laboratory test specimen collection and submission.
  3. An Arizona licensed veterinarian examining or laboratory testing a primate shall immediately report the results of an examination or laboratory test, by phone and in writing, to the Arizona Game and Fish Department Director or the Director's designee.
  4. The legal owner of the primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
- F. A primate that tests positive for a zoonotic disease that poses a serious health risk to humans, as determined by the Arizona Game and Fish Department, shall be maintained in captivity as directed by the Arizona Game and Fish Department Director or the Director's designee, or disposed of as agreed to by the primate owner and the Department Director or the Director's designee.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Rule expired December 31, 1989; text rescinded (Supp. 93-2).

New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4).

#### R12-4-427. Rehabilitation Exemption

- A. Injured, orphaned, or otherwise debilitated live wildlife as listed below, not including eggs, and not including threatened native wildlife as defined in R12-4-401, may be possessed, provided with rehabilitative care, and released to the wild with no special license, provided that no more than 25 individual animals shall be possessed simultaneously in the aggregate and no individual animal shall be possessed for more than 60 consecutive calendar days.
  1. The order Passeriformes, passerine birds;
  2. The order Columbiformes, doves;
  3. The family Phasianidae, quail, pheasant, partridge, and chukars;
  4. The order Rodentia, rodents;
  5. The order Lagomorpha, hares and rabbits.
- B. A hunting license shall not be required to take wildlife subject to this rule, but the wildlife may be taken only by hand or by hand-held implement.
- C. The exemptions granted by this rule shall not apply to any individual who, by his or her own action, has unlawfully injured or orphaned the wildlife.
- D. All wildlife held pursuant to this rule shall be released when rehabilitated, within the 60-day period, into habitat suitable to sustain them, as close as possible to the same geographic area from which they were originally taken. Wildlife not suitable for release to the wild within 60 days shall be given to a licensed rehabilitator or licensed veterinarian, or application must be made for a wildlife holding permit pursuant to R12-4-417, or wildlife shall be humanely killed.
- E. This rule does not exempt any person from the requirements of federal law.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

#### R12-4-428. Captivity Standards

- A. All wildlife held pursuant to a special license shall be kept in as humane a manner as the licensed purpose allows, to safeguard and protect the interests of the wildlife held. Licensees subject to the provisions of this rule shall comply with the minimum standards for humane treatment prescribed by this rule. The term "animal" as used in this rule means any wildlife held pursuant to a special license, unless otherwise indicated.
- B. All facilities shall meet the following minimum standards.
  1. The facility shall be constructed of such material and be of such strength as is appropriate for the nature of the animal held. The facility shall be properly braced and constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. The facility shall be constructed in such a manner as to reasonably prevent the animal's escape or the entry of unauthorized persons or animals. The housing facility shall be structurally sound and shall be maintained in good repair in order to protect the animals held from injury and to facilitate the humane practices prescribed by this rule.
  2. When required to comply with related provisions of this rule, there shall be safe, reliable and adequate electric power to the facility. All electric wiring shall be constructed and maintained pursuant to applicable governmental building codes. Such electrical construction and maintenance shall be sufficient to assure that no animal has direct contact with any electrical wiring or electrical apparatus and is fully protected from any possibility of shock or electrocution from any such electric conducting materials.
  3. Every animal shall be supplied with sufficient potable water to meet its needs. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal, and the licensee shall ensure that the level of available water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in clean and sanitary condition.
  4. Food shall be wholesome, palatable and free from contamination, and of sufficient appeal, quantity and nutritive value to maintain each animal held in good health. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the age, species condition, size and type of the animal, and all veterinary directions or recommendations in regard to diet. The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health. Each animal shall be fed as often as its needs dictate, taking into consideration hibernation, veterinary treatment or recommendation, normal fasts or other professionally accepted humane practices. The licensee shall ensure that the level of available food for each animal is monitored once daily, except for those periods of time where professionally accepted humane practices dictate that the animal not consume any food during the entire day. Food and food receptacles, if used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination. Food receptacles shall be kept clean and sanitary at all times. Any self-feeding food receptacles shall function properly and the food they provide shall not be subject to

- deterioration, contamination, molding, caking, or any other process which would render such food unsafe or unpalatable for the animal to be fed. Appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires and allows. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination of the animals and to minimize hazard of disease and to reduce unseemly odors. The sanitary condition of the facility shall be monitored by the licensee at least daily. When the facility is cleaned by hosing, flushing or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam or chemical substances or otherwise wetted involuntarily.
  6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent backup or accumulation of debris or sewage.
  7. No animal shall be exposed to any human activity or environment not intended by the special license which may have an inhumane or harmful affect upon the animal.
  8. Facilities shall not be constructed or maintained in proximity to any physical condition which may give rise to any health threat to the animal including, but not limited to, trash or garbage collection sites and/or pools of standing water. All persons caring for the animals shall maintain themselves in a sufficiently clean condition when dealing in or around the animal so as to minimize any threat to the health of the animal.
  9. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held pursuant to special license. This shall not apply to live animals placed as food items in the enclosures.
  10. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments. The facility area shall be large enough and constructed in such a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical need. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for such digging or burrowing activity. Animals which naturally climb shall be provided with safe and adequate climbing apparatus. Animals which naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
  11. Licensees shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices set forth in this rule. The licensee shall be responsible for the actions of all animal care personnel and all other persons coming in contact with the animals.
  12. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held pursuant to a special license.
  13. Licensees, except holders of wildlife hobby licenses issued pursuant to R12-4-419 possessing fewer than 25 birds, and except for licensees in possession of animals for less than one year, shall designate a veterinary doctor licensed to practice in the State of Arizona as the primary treating veterinarian for each individual species of animal to be held pursuant to any special license issued. The licensee shall ensure that all animals in their care receive proper, adequate and humane veterinary care as the needs of each animal dictate. Each animal held for one year or more and each facility used shall be inspected by the attending veterinarian at least once every year. Every animal shall receive veterinary care whenever it appears that such animal is ill, wounded, diseased, infected by parasites or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the licensee. No prescription medicine or medical treatment shall be administered by any licensee unless under the direction of a veterinarian.
  14. Any animal which is suspected or diagnosed to harbor any infectious or transmissible disease, whether or not the animal is held by special license, shall be isolated immediately upon such suspicion or diagnosis from any animal to whom such disease could be transmitted. Such isolated animal shall continue to be kept in a humane manner and facility as required to this rule. Subsequent to the presence of an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held by special license, such facility shall be reasonably sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Such sanitation procedures may include, but not necessarily be limited to, the washing of facilities or animal-related materials with hot water and appropriate antibacterial chemical agents as well as appropriate soaps or detergents; the appropriate application of steam under pressure; and the replacement of gravel, sand, water, food and/or dirt. All residue of chemical agents utilized in such sanitation process shall be reasonably eliminated from the facility before any animal is returned thereto. Parasites and avian and mammalian pests shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.
- C. All indoor facilities shall meet the following standards in addition to those set forth in subsection (B).
1. Heating and cooling facilities shall be supplied sufficient to regulate the temperature to protect the animals from extremes of temperature as the nature of the wildlife requires and to provide a healthful and humane living environment and prevent discomfort to the animal. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health, comfort and humane care of any animal.
  2. Indoor facilities shall be adequately ventilated by natural or mechanical means to provide for the healthful and humane keeping of any animal and prevent the discomfort of any animal. Such facility shall be provided with fresh air, either by means of windows, doors vents, fan or air conditioning sufficient to meet the humane needs of

any animal and shall be constructed to minimize drafts, odors and moisture condensation.

3. Indoor facilities shall have lighting appropriate to the nature of the animals being kept therein by either natural or artificial means or both. Lighting shall be of good quality, distribution and duration as appropriate for the needs and nature of the animals held. Lighting shall be utilized in regular cycles as the animal's needs may dictate. Lighting shall be available which is of uniform distribution and sufficient intensity to permit routine inspection and cleaning of the facility. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.
- D.** All outdoor facilities shall meet the following standards in addition to those set forth in subsection (B).
1. If sunlight is likely to cause overheating or discomfort of any animal, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight.
  2. Sufficient natural or artificial shelter appropriate to humanely protect animals from normally expected local climatic conditions through the year shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition which is potentially harmful to such animal. Individual animals shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.
- E.** When animals must be handled, they shall be handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress or physical harm to such handled animal. Animals transported shall be transported in an expeditious, careful, and humane fashion. During periods of transport, animals shall be made as humanely secure as reasonably possible. No animal shall be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. All transportation facilities and services utilized in regard to animals shall provide for the basic humane needs of each animal during periods where the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, adequate water, adequate sanitary conditions, adequate ventilation, and any medication as prescribed by the attending veterinarian. If any animal is placed on public exhibit or display, such animal shall be handled in a manner minimizing the risk of harm to members of the public and to the animal itself; minimization of risk shall include but not necessarily be limited to sufficient distance existing between the animal and the viewing public to assure the safety of both the public and the animals. Any restraint used on any animal shall be humane in nature and not likely in either its design or use to cause physical harm or discomfort to the restrained animal except when discomfort is necessary to control the animal due to its size or strength.
- F.** The Department may impose additional requirements in regard to facilities to be utilized for the keeping of any animal as the nature and the needs of the particular animal and public safety dictate. Such additional special license facility requirements shall be set forth in writing by the Department at the time of the issuance of the special license. Any such notice of additional requirements for housing facilities shall specify the reason necessitating such additional measures.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2).

#### R12-4-429. Expired

##### Historical Note

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective July 1, 2002 for a period of 180 days (Supp. 02-3). Emergency rule-making renewed under A.R.S. § 41-1026(D) for an additional 180-day period at 9 A.A.R. 132, effective December 27, 2002 (Supp. 02-4). Section expired effective June 24, 2003 (Supp. 03-2).

#### R12-4-430. Importation, Handling, and Possession of Cervids

- A.** For the purposes of this Section, the following definitions apply:
1. "Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker's Mammals of the World. A copy is available for inspection at any Department office.
  2. "Native cervid" means any member of the deer family in the genus *Alces*, common name moose; the genus *Odocoileus*, common name white-tailed and mule deer; or the genus *Cervus*, common name red deer, wapiti, and elk; or the genus *Rangifer*, common name reindeer and caribou.
  3. "Private game farm" means any facility licensed by the Arizona Game and Fish Department under R12-4-413.
  4. "Wildlife disease" means a disease that poses a health risk to wildlife in Arizona.
  5. "Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420.
  6. "Zoonotic" means a disease that can be transmitted to humans from vertebrate animals.
- B.** Except as provided in R12-4-418, upon the effective date of this Section, no new special licenses will be issued for live cervids.
- C.** An individual, including any special license holder, shall not import a live cervid into Arizona except as allowed in subsection (K).
- D.** Except as allowed under subsection (L), an individual shall not transport a live cervid within Arizona except to:
1. Export the live cervid from Arizona for a lawful purpose;
  2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
  3. Transport the live cervid to or from a licensed veterinarian for medical care; or
  4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
    - a. The current holding facility has been sold or closed;
    - b. Ownership, possession, custody, or control of the cervid will not be transferred to another individual; and
    - c. The owner of the cervid has prior written approval from the Director of the Arizona Game and Fish Department.
- E.** An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, shall, within 30 days of the effective date of this Section, provide the Department with a written report that contains the following:
1. Name, address, and telephone number of the person possessing the live cervid;
  2. Number, genus, and species of any live cervid held; and

3. Location where the live cervid is held.
- F. An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, may continue to possess the live cervid and shall only dispose of the live cervid by the following methods:
  1. Exportation,
  2. Euthanasia, or
  3. As otherwise directed by the Department.
- G. An individual who lawfully possesses a live cervid under a private game farm, wildlife holding, or zoo license shall not move, or allow another to move, the cervid from the premises of the game farm, wildlife holding facility, or zoo except to:
  1. Export the live cervid from Arizona for a lawful purpose,
  2. Transport the live cervid to a facility for the purpose of slaughter, or
  3. Transport the live cervid to or from a licensed veterinarian for medical care.
- H. In addition to the recordkeeping requirements of R12-4-413, R12-4-417, and R12-4-420, an individual who possesses a live native cervid under a private game farm, wildlife holding, or zoo license on the effective date of this Section, and subsequent to the effective date of this Section for progeny, shall:
  1. Permanently mark each live native cervid with either an individually identifiable microchip or tattoo within 30 days of the effective date of this Section;
  2. Permanently mark the progeny of each live native cervid with either an individually identifiable microchip or tattoo; and
  3. Within 30 days of the effective date of this Section, and annually by December 15, provide the Department with a report listing the following for each live native cervid in the licensee's possession:
    - a. Name of the license holder,
    - b. License holder's address and telephone number,
    - c. Number and species of live native cervids held,
    - d. The microchip or tattoo number of each live native cervid held, and
    - e. The disposition of all native cervids that were moved or that died in the six months before the effective date of this Section or during the current reporting period.
- I. The holder of a private game farm, wildlife holding, or zoo license shall ensure that the head of a native cervid that dies while held under the special licenses (except a native cervid that is slaughtered as allowed under this Section, R12-4-413, R12-4-417, and R12-4-420) is submitted within 72 hours of the time of death to the University of Arizona Veterinary Diagnostic Laboratory for chronic wasting disease analysis. The licensee shall ensure that the shipment of the deceased animal's head is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment. The Arizona Game and Fish Department shall pay for the cost of the laboratory analysis. The holder of a private game farm, wildlife holding, or zoo license shall include the following information with the shipment of the deceased animal's head:
  1. Name of the license holder,
  2. License holder's address, and
  3. License holder's telephone number.
- J. If a zoonotic or wildlife disease, as determined by a person with relevant wildlife disease expertise, exists in any facility or on property holding cervids, and the zoonotic or wildlife disease poses an immediate threat to wildlife or humans, including those animals held under special license, the Arizona Game and Fish Department's Director shall order the immediate quarantine of all wildlife held at the facility or on the property. The Director may suspend the provisions of any applicable special license and order the humane disposition of any affected animal based on an assessment of the threat to public or wildlife health, safety, or welfare. An individual who possesses a cervid where an identified zoonotic or wildlife health risk exists shall, as ordered by the Director, quarantine the wildlife, test the wildlife for disease, submit a biological sample to the Department or its designee, and, if necessary, destroy and dispose of the wildlife as directed by the Department.
- K. A holder of a zoo license may import any live cervid, except a native cervid, for exhibit, educational display, or propagation only if the cervid is quarantined for 30 days upon arrival, and the cervid is procured from a facility that complies with the following requirements:
  1. The exporting facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;
  2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of import; and
  3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.
- L. A holder of a zoo license may transport within Arizona any live cervid, except a native cervid, for the purpose of procurement or propagation only if the cervid is quarantined for 30 days upon arrival at its destination, and only if the cervid is procured from a facility that complies with the following requirements:
  1. The originating facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;
  2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of transport; and
  3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.
- M. An individual who possesses a cervid shall comply with all procedures for tuberculosis control and eradication for cervids prescribed in the USDA publication "Bovine Tuberculosis Eradication – Uniform Methods and Rules," USDA APHIS 91-45-011, effective January 22, 1999. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
- N. An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-12, effective September 30, 1998, revised effective May 14, 1999. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

- O. An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication "Brucellosis Eradication: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-11, effective February 1, 1998. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
- P. The Department has the authority to seize, destroy, and dispose of, at the owner's expense, any cervid possessed in violation of this Section.

#### Historical Note

New Section made by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).

### ARTICLE 5. BOATING AND WATER SPORTS

#### R12-4-501. Boating and Water Sports Definitions

In addition to the definitions provided in A.R.S. § 5-301, the following definitions apply to this Article unless the context requires otherwise:

1. "Aids to navigation" means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.
2. "Bill of sale" means a written agreement transferring ownership of a watercraft and listing the following: the name of the buyer and seller; the manufacturer of the watercraft sold, if known; the hull identification number, unless exempted by R12-4-505; the purchase price and sales tax paid, if any; and the signature of the seller.
3. "Boats keep out" means that an operator or user of a watercraft, or a person being towed by a watercraft on waterskis, a surfboard, or similar device or equipment shall not enter.
4. "Controlled-use marker" means an anchored or fixed marker on the water, shore, or on a bridge that controls the operation of watercraft, water skis, surfboard, or similar devices or equipment.
5. "Homemade watercraft" means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. A watercraft assembled from a kit, or constructed from an unfinished manufactured hull, is a "homemade watercraft" if not already assigned a hull identification number by the manufacturer.
6. "Hull identification number" means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.
7. "Letter of gift" means a document transferring ownership of a watercraft and listing the following: the name of both the previous owner and the new owner; the name of the manufacturer of the watercraft if known; the hull identification number, unless exempted by R12-4-505; a statement that the watercraft is a gift; and the signature of the previous owner.
8. "Livery" means a business authorized to rent watercraft without an operator under A.R.S. § 5-371.
9. "No ski" means a person shall not be towed on water skis, an inflatable device, or similar equipment.
10. "No wake" means wakeless speed, as defined by A.R.S. § 5-301, and flat wake as referenced in A.R.S. § 5-350.
11. "Owner" in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest, which entitles that person to possession.
12. "Personal flotation device" means a U.S. Coast Guard approved Type I, II, III, or V wearable, or Type IV throwable device for use on any watercraft, as prescribed by A.R.S. § 5-331(A), (C), and (D); A.R.S. § 5-350(A); and R12-4-511.
13. "Regatta" means an organized water event of limited duration that affects the use of waterways by the public and is conducted according to a prearranged schedule, for which a lawful jurisdiction has issued a permit, but the term does not include fishing tournaments.
14. "Registered owner" means the person or persons to whom a watercraft is currently registered by any jurisdiction.
15. "Regulatory marker" means a waterway marker placed on, in, or near the water to indicate the presence of a danger or a restricted or controlled-use area or to convey general information and directions.
16. "Sound level" means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
17. "Staggered registration" means the system of renewing watercraft registrations that expire in accordance with the schedule contained in R12-4-504.
18. "State of principal use" means the state on whose waters the watercraft is used or to be used most during the calendar year.
19. "Use" in reference to a watercraft means any watercraft underway, moored, anchored, or beached on the waterways of the state.
20. "Watercraft" means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water that is propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are seaplanes, makeshift contrivances constructed of innertubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids. Only motorized watercraft are subject to registration.
21. "Watercraft agent" means a person authorized by the Department to collect appropriate fees for the registration and numbering of watercraft.
22. "Watercraft number" means the registration number issued by the Department under A.R.S. § 5-321.
23. "Watercraft registration" means the validated certificate of number and validating decals issued by the Department.

#### Historical Note

Editorial correction subsection (A) (Supp. 78-5). Former Section R12-4-83 renumbered as Section R12-4-501 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-501 renumbered to R12-4-515, new Section R12-4-501 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-502. Application for Watercraft Registration

- A. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form provided by the Department. The applicant shall provide the following information for registration of all

watercraft except homemade watercraft, which are addressed in subsection (B):

1. Type of watercraft and propulsion type;
  2. Overall length of watercraft;
  3. Manufacturer's name, if known;
  4. Year built or model year, if known;
  5. Hull identification number;
  6. Hull material;
  7. Fuel type;
  8. Category of use;
  9. Watercraft number previously issued for the watercraft, if any;
  10. State of principal use; and
  11. Name, mailing address, and date of birth of each owner. To simplify the description of joint ownership when a watercraft is owned by more than one person, the applicant shall indicate ownership by use of one of the following methods:
    - a. Where ownership is joint tenancy with right of survivorship or community property with right of survivorship, the applicant shall use "and/or" between the names of the owners. To transfer registration of the watercraft, each party shall provide a signature if both are living. Upon legal proof of the death of either party, the living party may transfer registration of the watercraft upon the signature of the living party.
    - b. Where ownership is a tenancy in common the applicant shall use "and" between the names of the owners. To transfer registration of the watercraft, each party shall provide a signature. In the event of the death of any party, the interest of the deceased party shall be handled through appropriate legal proceedings.
    - c. Where the ownership is joint tenancy with an express intent that either of the owners has full authority to transfer registration, the applicant shall use "or" between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either party's signature is sufficient for transfer.
- B.** The owner or owners of a homemade watercraft shall sign the application and have it notarized unless it is signed in the presence of a Department employee. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A):
1. Type of watercraft and propulsion type;
  2. Overall length of watercraft;
  3. Year built;
  4. Hull material;
  5. Fuel type;
  6. Category of use;
  7. Name, mailing address, and date of birth of each owner;
  8. State of principal use;
  9. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull; and
  10. Hull identification number, if assigned.
- C.** In accordance with A.R.S. § 5-321, the applicant shall submit with the application for registration a receipt for use tax paid from the Arizona Department of Revenue unless at least one of the following applies:
1. The applicant is exempt from use tax as provided in 15 A.A.C. 5,
  2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
  3. Sales or use tax paid is shown on the bill of sale or receipt submitted by the applicant, or
  4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- D.** To obtain registration as a commercial watercraft under A.R.S. § 5-322(H), the owner shall provide evidence of payment of the ad valorem property tax under the provisions of Article 9, Section 16 of the Arizona Constitution; the tax privilege license number; and the business name, address, and telephone number.
- E.** To obtain watercraft dealer registration under A.R.S. § 5-322(G), the applicant shall be a business offering watercraft for sale, or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer numbers for demonstration purposes only. "Demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft. Demonstration also includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer, employee of a dealer or manufacturer, family member of a dealer or manufacturer, or an associate of a dealer or manufacturer. The Department shall issue the number of certificates and decals specified on the application, or deny issuance within 30 calendar days of receiving the application. The applicant shall provide the following information on a form available from the Department:
1. All business names used for the sale or manufacture of watercraft in Arizona, and the mailing address and telephone number for each business to be issued watercraft dealer registrations;
  2. Tax privilege license number;
  3. U.S. Coast Guard manufacturer identification code, if applicable;
  4. Total number of certificates of number and decals to be issued; and
  5. Name, address, signature, and phone number of the owner or manager of the principal business.
- F.** In addition to submitting the application form and any other information required by this Section, the applicant for watercraft registration shall submit one of the following additional forms of documentation:
1. An original title if the watercraft is titled in another state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;
  2. An original registration if the watercraft is from a registration state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;
  3. A bill of sale as defined in R12-4-501 if the watercraft has never been registered or titled in any state;
  4. A letter of gift as defined in R12-4-501 if the watercraft was received as a gift and was never registered or titled in another state;
  5. A court order or other legal documentation establishing lawful transfer of ownership; or
  6. A statement of fact form available from any Department office if none of the documentation identified in subsections (F)(1) through (F)(5) exists, either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. The owner or owners of the watercraft shall sign the statement of fact form and shall have it notarized unless it is signed

in the presence of an authorized Department employee. The owner or owners of the watercraft shall provide the hull identification number of the watercraft on the statement of fact form and shall certify one of the following:

- a. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
  - b. The watercraft is owned by the applicant, and it has never been registered or titled;
  - c. The watercraft was owned in a state that required registration, but the watercraft was never registered or titled; or
  - d. The watercraft has not been registered, titled, or otherwise documented in the past five years.
- G.** The Department shall register a watercraft, if the watercraft's original title or registration is lost, upon receipt of one of the following:
1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft,
  2. A statement of fact by the applicant as prescribed in subsection (F)(6) if the watercraft has not been registered, titled, or otherwise documented in the past five years, or
  3. An affidavit of publication demonstrating the applicant's compliance with R12-4-507.
- H.** If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
1. The applicant shall provide the following information on the form:
    - a. The applicant's name,
    - b. The applicant's address,
    - c. The watercraft make, and
    - d. The watercraft hull identification number (HIN).
  2. The applicant shall ensure that the lien holder provides the following information on the form:
    - a. The lien holder's name,
    - b. The lien holder's address,
    - c. The name of the person completing the form for the lien holder,
    - d. The title of the person completing the form for the lien holder, and
    - e. The notarized signature of the person completing the form for the lien holder.
- I.** A person shall not apply for or obtain a watercraft registration by making a false statement or providing false information on any application, statement of fact, or written instrument submitted to the Department. The Department shall provide notice that a watercraft registration is invalid if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of fact, or written instrument submitted to the Department, and as prescribed in R12-4-506.
- J.** The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and documentation required by this Section, whether from the applicant or from a watercraft agent under R12-4-509. An application is not considered valid if the Department receives legal documentation that legal action may affect ownership of the watercraft.
- K.** All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements of R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information

provided by an applicant if the Department has reason to believe that the information provided by the applicant is inaccurate or false.

#### Historical Note

Former Section R12-4-84 renumbered as Section R12-4-502 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 2, 1985 (Supp. 85-1). Former Section R12-4-502 repealed, new Section R12-4-502 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-503. Renewal of Watercraft Registration

- A.** The Department shall mail renewal notices to the address of the watercraft owner, as shown on the certificate of number, six weeks before the last day of the month of expiration established under R12-4-504. The owner of a watercraft shall ensure that the watercraft's registration is renewed regardless of whether the renewal notice is received.
- B.** To renew a watercraft's registration in person or by mail, an applicant shall submit the registration fee required by A.R.S. § 5-321 and the renewal notice provided by the Department. In the absence of the renewal notice, the registered owner shall present one of the following:
1. A current or prior certificate of number;
  2. A valid driver's license;
  3. A valid Arizona Motor Vehicle Division identification card; or
  4. A valid passport.
- C.** To renew a watercraft's registration by telecommunications, an applicant shall pay the registration fee required by A.R.S. § 5-321 and shall provide either of the following to the Department or its agent:
1. The name and address of the watercraft's registered owner as it appears on the renewal notice, and
  2. The assigned Arizona watercraft number (AZ number) of the watercraft being renewed, or
  3. The Department-assigned identification number or passport.
- D.** The Department or its agent shall renew a watercraft's registration within 30 calendar days of receiving a valid application for renewal. The Department shall mail the renewal to the address of record unless the applicant renews the watercraft's registration in person, or unless there is a notarized request from the registered owner to mail it to another address.

#### Historical Note

Former Section R12-4-85 renumbered as Section R12-4-503 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-503 renumbered to R12-4-519, new Section R12-4-503 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-504. Staggered Watercraft Registration Schedule; Penalty for Late Registration

- A.** All new watercraft registrations expire 12 months after they are issued.
- B.** Upon renewal of resident or non-resident pleasure use, or an Indian or soldier's tax-exempt use, the registration expires on the last day of the month indicated by the last two numeric digits of the watercraft number, as shown in the following table:

<i>Last two numeric digits of watercraft number</i>	<i>Expiration month</i>
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00	12	24	36	48	60	72	84	96	December
01	13	25	37	49	61	73	85	97	January
02	14	26	38	50	62	74	86	98	February
03	15	27	39	51	63	75	87	99	March
04	16	28	40	52	64	76	88		April
05	17	29	41	53	65	77	89		May
06	18	30	42	54	66	78	90		June
07	19	31	43	55	67	79	91		July
08	20	32	44	56	68	80	92		August
09	21	33	45	57	69	81	93		September
10	22	34	46	58	70	82	94		October
11	23	35	47	59	71	83	95		November

- C. Upon renewal of registrations issued to dealers or manufacturers under A.R.S. § 5-322(G), or for governmental use, the registration expires on October 31.
- D. Upon renewal of registrations issued to liveries or for other commercial use, the registration expires on November 30.
- E. The Department or its agent shall collect the entire registration fee and license tax for a late registration renewal, and a penalty fee of \$5, except as exempted by A.R.S. § 5-321(H), or unless the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not collect the penalty fee for a renewal mailed before the expiration date, as evidenced by the postmark.

#### Historical Note

Amended effective December 5, 1978 (Supp. 78-6).  
Amended effective March 6, 1980 (Supp. 80-2). Former Section R12-4-86 renumbered as Section R12-4-504 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-504 repealed, new Section R12-4-504 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Sup. 03-2).

#### R12-4-505. Hull Identification Numbers

- A. The Department shall not register a watercraft without a hull identification number.
- B. The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines that:
  1. A hull identification number has not been illegally removed or altered, unless the application is made by a governmental agency and is accompanied by an order of forfeiture or order of seizure or other civil process; or
  2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction or failure of a previous owner of a watercraft to comply with this rule, or because the watercraft is a "homemade watercraft" as defined in R12-4-501.
- C. The Department shall assign or deny assignment of a hull identification number within 30 days of receipt of a valid application, as described in R12-4-502.
- D. The Department shall accept a bill of sale presented with a missing or improper hull identification number for registration purposes only if:
  1. It matches the improper hull identification number or there is no hull identification number on the watercraft; or
  2. A hull identification number is issued by the Department under subsection (B).
- E. The applicant or the Department shall affix the hull identification number as follows:
  1. On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom

- within two inches of the top of the transom or hull/deck joint, whichever is lower.
2. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lowest.
3. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
4. If the hull identification number would not be visible because of rails, fittings, or other accessories, affix it as close as possible to the applicable location prescribed in subsection (E)(1).
5. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
6. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft so that alteration, removal, or replacement will be obvious.
7. Ensure that the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.

#### Historical Note

Amended effective January 1, 1980 (Supp. 79-6). Former Section R12-4-87 renumbered as Section R12-4-505 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-505 repealed, new Section R12-4-505 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-506. Invalidation of Watercraft Registration

- A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B. A certificate of number and any decals issued are invalid if any of the following occurs:
  1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
  2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
  3. Arizona is no longer the state of principal use;
  4. The watercraft is documented by the U.S. Coast Guard;
  5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department; or
  6. The Department revokes the certificate of number, numbers, and decals as provided in A.R.S. § 5-391(H).
- C. A person shall return the certificate of number and decals that are invalid under subsections (A) or (B) to the Department within 15 calendar days of receiving written notification from the Department that the certificate of number and decals are invalid.
- D. The Department shall not validate or renew an invalid watercraft registration until the reason for invalidity has been corrected or no longer exists.

#### Historical Note

Adopted effective December 4, 1984 (Supp. 84-6). Amended subsection (B) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (B) effective January 1, 1989,

filed December 30, 1988" (Supp. 89-2). Former Section R12-4-506 repealed, new Section R12-4-506 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

**R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft**

- A.** For the purpose of this Section the following definitions apply:
1. "Abandoned watercraft" means a watercraft that is deserted on a highway, a public street, or on public or private property or waters. A watercraft left under a written repair or storage order is not an abandoned watercraft.
  2. "Unreleased watercraft" means a watercraft for which there is no release of interest from the registered owner.
  3. "Release of interest" means a statement giving up, surrendering, or abandoning unconditionally any claim or right of ownership or use in a watercraft.
- B.** Unless an abandoned or unreleased watercraft is reported stolen the last registered owner is presumed to be responsible for the watercraft.
- C.** An applicant seeking transfer of ownership of an abandoned or unreleased watercraft shall submit the following information, if available, on a form obtained from the Department:
1. Hull identification number, unless exempted by R12-4-505;
  2. Registration number;
  3. Decal number;
  4. State of registration;
  5. Year of registration;
  6. Name, address, and daytime telephone number of the person who found the watercraft;
  7. If the watercraft is abandoned, the description or address of the location where the watercraft was found;
  8. Condition of the watercraft: whether wrecked, stripped, or intact; and
  9. State in which the watercraft will be used.
- D.** The Department shall attempt to determine the name and address of the registered owner and, if successful, shall send written notice of the attempt to register the watercraft by the applicant to the registered owner by certified mail, return receipt requested.
1. After 30 calendar days from the date the Department mails the notice, if service is successful, or upon receipt of a response from the registered owner, the Department shall advise the applicant in writing according to the following:
    - a. If the registered owner provides a written release of interest in the watercraft, the Department shall provide the applicant with the release and the applicant may then register the watercraft under R12-4-502.
    - b. If the registered owner provides written notice to the Department refusing to release an interest in the watercraft, the Department shall advise the applicant of the refusal, and the Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with R12-4-502.
    - c. If service is successful and the registered owner does not respond to the notice in writing within 30 days from the date of mailing, when service was successful, the Department shall advise the applicant of the failure to respond, and the Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with R12-4-502.

2. If the Department cannot determine who the registered owner of the watercraft is, or if the written notice is returned unclaimed or refused, the Department shall advise the applicant in writing within 15 days of the notice being returned that the attempt to identify or contact the registered owner was unsuccessful.

- E.** If the Department is unsuccessful in its attempt to identify or serve the registered owner under subsection (D)(2), the Department shall publish a notice of intent of the Director of the Department to transfer ownership of the abandoned or unreleased watercraft in a newspaper or other publication of general circulation in this state within 45 days of the Department's notification to the applicant as provided in subsection (D)(2). The published notice shall include a statement of the intent of the Director to transfer ownership of the watercraft as provided by R12-4-502 10 days after the notice is published, unless the Department receives notice from the registered owner refusing to release interest in the watercraft. The Department shall make available to the public upon request a description of the abandoned or unreleased watercraft subject to transfer of ownership.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2).

**R12-4-508. New Watercraft Exchanges**

- A.** The Department may replace registration for new watercraft never previously registered which is returned to the seller within 30 calendar days of registration, provided that the seller replaces the watercraft with a duplicate watercraft, and application for replacement registration is made to the Department within the same 30 calendar days.
- B.** In order to obtain replacement registration, the registered owner shall provide the Department with the registration for the original watercraft and with a letter signed by the seller stating that the watercraft has been replaced, and providing the hull identification numbers for both the original and the replacement watercraft and the name of both the buyer and the seller.
- C.** The Department shall issue replacement registration for the replacement watercraft with no charge in addition to the fee and license tax already paid.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2).

**R12-4-509. Watercraft Agents**

- A.** The Department has the authority to authorize an agent to act for the Department for the purpose of issuing temporary certificates of number valid for 30 days for new watercraft only if:
1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(E) has not been cancelled by the Department within the preceding 24 months, and
  2. The applicant is a business located and operating within this state that sells watercraft for an identified manufacturer.
- B.** An applicant for watercraft agent authorization shall apply on forms provided by the Department. The Department shall issue authorization or deny the application within 30 calendar days of receiving the application. The applicant shall provide the following information on the application:
1. The principal business or corporation name, address, and telephone number;
  2. If not a corporation, the full name, address, and telephone number of all owners or partners;

3. The name, address, and telephone number of the owner or manager that is responsible for compliance with this Section;
  4. Whether or not the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(E);
  5. The storefront name, street address, type of business, name of the manager, telephone number, and business hours of the location from which new watercraft are to be sold and temporary certificates of number issued;
  6. The manufacturers of the watercraft to be distributed; and
  7. The signature of the person named under subsection (B)(3).
- C.** Authorization to act as a watercraft agent is specific to the business location designated on the application and approved by the Department. The only exception is if the agent is participating in a scheduled, advertised boat show for the purpose of selling watercraft.
- D.** The Department shall assign an agent number to a watercraft agent upon approval of the application, and shall supply the agent with forms and a schedule of fees to be collected for compliance with A.R.S. § 5-321.
- E.** A watercraft agent shall not destroy prenumbered temporary certificate of number applications provided by the Department but shall mark an application "void" if necessary and return the application to the Department with the monthly report required in subsection (I).
- F.** An agent shall verify that watercraft agent supplies were received within seven days of receipt. The Department shall provide new supplies within 30 calendar days after receipt of an agent's request form.
- G.** A watercraft agent shall comply with the following if the agent is issuing a temporary certificate of number to the purchaser of a new watercraft:
1. The watercraft agent shall obtain an application if the watercraft is purchased from the agent, or the applicant's bill of sale that shows the following:
    - a. The watercraft is new as distinguished from used,
    - b. The names and addresses of the buyer and seller,
    - c. The date of purchase,
    - d. The amount of sales tax paid,
    - e. The purchase price,
    - f. The manufacturer's name,
    - g. The length of the watercraft,
    - h. The year of manufacture, and
    - i. The hull identification number.
  2. The agent shall identify to the applicant the state registration fee and the appropriate watercraft license tax separately from any other costs; and
  3. The agent shall, within 72 hours after issuing a temporary certificate of number, deliver to the Department's Phoenix office or deposit in the U.S. mail the legible original application, a legible original or copy of the bill of sale, and a check or money order for the state's fees.
- H.** The Department shall accept applications only on prenumbered temporary certificate of number application forms provided to the agent by the Department, as prescribed in R12-4-502.
- I.** By the 10th day of each month, a watercraft agent shall submit a report of activity for the previous month to the Department on a form provided by the Department. The watercraft agent shall submit the report whether or not any temporary certificates of number are issued during the reporting period. The report shall include:
1. The name and address of the watercraft agent, and the agent number assigned by the Department;
  2. For each temporary certificate of number issued, the application number, the name of the purchaser, the hull identification number, and the date of issuance; and
  3. A list of any voided or missing application numbers, with explanation.
- J.** The Department may cancel authorization to be a watercraft agent and demand return of or collect all supplies issued to the agent based on consideration of the following:
1. Failure to comply with this Section;
  2. Issuing more than one check with insufficient funds to the Department within a calendar year;
  3. Predating, postdating, altering, or providing or knowingly allowing false information to be provided on or with an application for a temporary certificate of number;
  4. Knowingly issuing a temporary certificate of number for a used watercraft; or
  5. Falsifying the application for authorization as a watercraft agent, or falsifying the monthly report required by subsection (F).
- K.** Denial of an application to become a watercraft agent, or cancellation of watercraft agent status by the Department, may be appealed to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10, Uniform Administrative Appeals Procedures.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2).

**R12-4-510. Refunds for Renewals**

- A.** The Department shall issue refunds for fees paid for renewal of watercraft registration under the following circumstances:
1. The Department shall issue a refund for one renewal fee when the registered owner has paid twice for the same registration renewal for the same watercraft.
  2. The Department shall issue a refund for a renewal fee when a registered owner has erroneously paid for renewal of a watercraft that has already been sold to another individual, provided that the application for refund is made within 30 calendar days of the renewal.
  3. The person applying for the refund shall surrender an original certificate of number and one set of decals to the Department in order to receive the refund.
- B.** The Department shall not refund payment of any penalty fee for late registration.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4).

**R12-4-511. Personal Flotation Devices**

- A.** The operator of a canoe, kayak, or other watercraft shall ensure that the canoe, kayak, or other watercraft is equipped with at least one appropriately-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the canoe, kayak, or other watercraft. The operator of a canoe, kayak, or other watercraft shall also ensure that the wearable personal flotation devices on board the canoe, kayak, or other watercraft are readily accessible and available for immediate use. The following wearable personal flotation devices are approved by the U.S. Coast Guard:
1. Type I Personal Flotation Device: off-shore life jacket,
  2. Type II Personal Flotation Device: near-shore buoyancy vest,
  3. Type III Personal Flotation Device: flotation aid, and
  4. Type V Special Use Device.

- B. In addition to the personal flotation devices prescribed in subsection (A), the operator of a watercraft that is 16 feet or more in length, except a canoe or kayak, shall ensure that the watercraft is also equipped with a U.S. Coast Guard-approved buoyant cushion, ring buoy, or horseshoe buoy (Type IV Personal Flotation Device).
- C. Persons on board a watercraft or personal watercraft shall wear an appropriately-sized, U.S. Coast Guard-approved personal flotation device as prescribed in A.R.S. § 5-331(C) and A.R.S. § 5-350(A).
- D. For the purpose of this Section, “wear” means that the personal flotation device is being worn according to the manufacturer’s design or recommended use; that all closures of the personal flotation device are fastened, snapped, tied, zipped, or secured according to the manufacturer’s design or recommended use; and that the personal flotation device is adjusted for a snug fit.
- E. Subsections (A), (B), and (C) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

#### Historical Note

Amended effective May 26, 1978 (Supp. 78-3). Former Section R12-4-80 renumbered as Section R12-4-511 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-512. Fire Extinguishers Required for Watercraft

- A. Under A.R.S. § 5-332, an operator of a watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
  - 1. An inboard engine,
  - 2. Closed compartments where portable fuel tanks may be stored,
  - 3. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
  - 4. Closed living spaces,
  - 5. Closed stowage compartments in which combustible or flammable materials are stored,
  - 6. Permanently installed fuel tanks (fuel tanks secured so that they cannot be moved in case of fire or other emergency are considered permanently installed), and
  - 7. A fixed fire extinguishing system installed in the engine compartment.
- B. Under A.R.S. § 5-332, an operator of a Class 2 watercraft (26 feet to less than 40 feet) shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
  - 1. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
  - 2. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.
- C. Under A.R.S. § 5-332, an operator of a Class 3 watercraft (40 feet to not more than 65 feet) shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
  - 1. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
  - 2. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

#### Historical Note

Former Section R12-4-81 renumbered as Section R12-4-512 without change effective August 13, 1981 (Supp. 81-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-513. Watercraft Accident and Casualty Reports

- A. The operator or owner of a watercraft involved in any collision, accident or other casualty that results in injury or death shall submit the report required by A.R.S. § 5-349 on a form provided by the Department. The operator or owner of a watercraft involved in any collision or accident that results in property damage only shall submit the report required by A.R.S. § 5-349, on a form provided by the Department, only if the property damage exceeds \$500. The operator or owner of the watercraft submitting the report required by A.R.S. § 5-349 shall complete the form provided by the Department in full, and shall clearly identify on the form any information that is not applicable or that is unknown. The operator or owner of the watercraft submitting the report required by A.R.S. § 5-349 shall provide the following information on the form provided by the Department:
  - 1. The operator’s name, address, date of birth, gender, and telephone number;
  - 2. The owner’s name, address, date of birth, and telephone number;
  - 3. The operator’s hours of experience in operating watercraft;
  - 4. The operator’s amount of boating safety instruction;
  - 5. Information on the watercraft involved:
    - a. Type of watercraft, make, and model;
    - b. Watercraft propulsion and year built;
    - c. Watercraft construction and year built;
    - d. Hull material;
    - e. Hull identification number; and
    - f. State registration number;
  - 6. Information on the accident:
    - a. Date and time;
    - b. General and specific location;
    - c. Type of operation at time of accident;
    - d. Type of accident;
    - e. Weather, water conditions, wind, visibility, and estimated temperature at the time of accident; and
    - f. Cause of accident;
  - 7. Estimated cost of damage to the watercraft;
  - 8. Whether the watercraft sank, and if so, whether recovered, and the name, address, and telephone number of the person who made recovery;
  - 9. Whether the watercraft was adequately equipped with U.S. Coast Guard-approved personal flotation devices, whether they were accessible, and whether they were used;
  - 10. Whether fire extinguishers were used, and the types and number of fire extinguishers used;
  - 11. Information on operators and owners of each of the other watercraft involved in the accident: name, address, telephone number, and watercraft registration number;

12. Information on persons killed or injured in the accident: name, address, date of birth, cause of death or nature of injury, and the name and location of the receiving hospital;
  13. The name, address, date of birth, and telephone number of all passengers in the watercraft;
  14. The location of passengers, skiers, and swimmers at the time of the accident;
  15. If there was damage to property other than any of the watercraft involved:
    - a. Name, address, and telephone number of owner;
    - b. Description of damage; and
    - c. Estimated cost of damage;
  16. The name, address, and telephone number of any witnesses other than passengers;
  17. A diagram and narrative explaining the accident.
- B.** Any person filling out the form shall sign the form; designate whether the person is the owner, operator, or any other party; and provide name, address, telephone number, and the date the form is submitted to the Department.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

**R12-4-514. Liveries**

Pursuant to A.R.S. § 5-371, a watercraft owned by a boat livery which does not have the certificate of number on board shall be identified while in use by means of a receipt provided by the livery to, and to be kept in the possession of, the person operating the rented watercraft. The receipt shall contain the following information:

1. The business name and address of the livery as shown on the certificate of number;
2. The watercraft registration number as issued by the Department;
3. The beginning date and time of the rental period.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2).

**R12-4-515. Display of Numbers and Decals**

- A.** No person shall use or operate, or grant permission to use or operate, a watercraft on the waters within the boundaries of this state unless such watercraft has, on each side of the bow, a valid number and current annual decal displayed pursuant to this rule, except that a watercraft may be used or operated for 30 days when a valid temporary numbering certificate has been issued pursuant to R12-4-509 and except for watercraft otherwise exempted in A.R.S. § 5-321 or § 5-322.
- B.** The number awarded to each watercraft by the Department shall be painted on or attached to each side of the forward half of the watercraft in such position as to be clearly visible. The number shall read from left to right with well-proportioned block letters not less than 3 inches in height, excluding outline. The number shall be a color that will contrast with the background so as to be easily read. The letters AZ and the suffix shall be separated from the numerals by a hyphen or equivalent space. The decals shall be affixed 3 inches in front of the AZ on both sides of the forward half of the watercraft.
- C.** On watercraft so constructed that it is impractical or impossible to display the numbers in a prominent position on the forward half of the hull or permanent superstructure, the number may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.
- D.** Persons possessing a dealer watercraft certificate issued pursuant to A.R.S. § 5-322(B) shall visibly display their numbers

and validating decals as prescribed in this rule, except that the numbers and decals may be printed or attached to removable signs which may be temporarily but securely attached to the watercraft being demonstrated.

- E.** Expired decals issued by any jurisdiction shall be covered or removed from watercraft, so that only the current decal shall be visible.
- F.** Invalid watercraft numbers or decals shall not be displayed. See R12-4-506.

**Historical Note**

Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2).

**R12-4-516. Watercraft Sound Level Restriction**

- A.** It shall be unlawful for any person to operate a watercraft upon the waters of this state under any condition or in any manner that the watercraft emits a sound level in excess of 86 decibels on the "A" weighted scale when measured from a distance of 50 feet or more from the watercraft.
- B.** This Section shall not apply to watercraft operated under permits issued in accordance to A.R.S. § 5-336(C).

**Historical Note**

Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4).

**R12-4-517. Watercraft Motor and Engine Restrictions**

- A.** A person operating a motorized watercraft on the following waters shall use an electric motor only:

Ackre Lake  
 Arivaca Lake  
 Bear Canyon Lake  
 Black Canyon Lake  
 Bunch Reservoir  
 Carnero Lake  
 Chaparral Lake  
 Cluff Ponds  
 Coconino Reservoir  
 Coors Lake  
 Dankwork Pond  
 Dogtown Reservoir  
 Fortuna Lake  
 Goldwater Lake  
 Granite Basin Lake  
 Horsethief Basin Lake  
 Hulsey Lake  
 J.D. Lake  
 Knoll Lake  
 Lee Valley Lake  
 Lynx Lake  
 McKellips Park Lake  
 Pena Blanca Lake  
 Pratt Lake  
 Quigley Lake  
 Redondo Lake  
 Riggs Flat Lake  
 Roper Lake  
 Rucker Canyon Lake  
 Santa Fe Lake  
 Scott's Reservoir  
 Sierra Blanca Lake  
 Soldier Lake (in Coconino County)  
 Stehr Lake  
 Stoneman Lake  
 Tunnel Reservoir  
 Whitehorse Lake

Willow Lake  
Woodland Reservoir  
Woods Canyon Lake

- B.** A person operating a motorized watercraft on the following waters shall use only a single electric motor or a single gasoline engine not exceeding 10 manufacturer-rated horsepower:
- Ashurst Lake  
Becker Lake  
Big Lake  
Blue Ridge Reservoir  
Cataract Lake  
Chevelon Canyon Lake  
Cholla Lake Hot Pond  
Concho Lake  
Crescent Lake  
Fool Hollow Lake  
Kaibab Lake  
Kinnikinick Lake  
Little Mormon Lake  
Luna Lake  
Mexican Hay Lake  
Nelson Reservoir  
Parker Canyon Lake  
Rainbow Lake  
River Reservoir  
Show Low Lake  
Whipple Lake  
White Mountain Lake (in Apache County)  
Willow Springs Lake
- C.** A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake.
- D.** This rule does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended as an emergency effective July 9, 1976 (Supp. 76-4). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-89 renumbered as Section R12-4-517 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A) and (C) effective December 17, 1981 (Supp. 81-6). Amended effective December 28, 1982 (Supp. 82-6). Amended subsections (A) through (C) effective December 4, 1984 (Supp. 84-6). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-518. Regattas

- A.** When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
1. A specified number of patrol or committee boats and identified as such.
  2. Availability of emergency medical services.
  3. Spectator control if there exists a danger that life or property is in jeopardy.
- B.** Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.

- C.** When a regatta applicant is informed in writing by Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.

#### Historical Note

Adopted effective March 5, 1982 (Supp. 82-2).

#### R12-4-519. Reciprocity

All watercraft which are currently numbered or exempt from numbering under the provisions of their state of principal use are exempt from numbering for a period of 90 days after entering the state. See also A.R.S. § 5-322(C) and (F).

#### Historical Note

Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2).

#### R12-4-520. Arizona Uniform State Waterway Marking System

The Arizona Uniform State Waterway Marking System is that prescribed in 33 CFR 62, revised July 1, 1998, not including any later editions or amendments, which is incorporated by reference in this Section. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-521. Placing or Tampering with Regulatory Markers or Aids to Navigation

- A.** No person shall mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, or other types of permitted waterway marking devices as prescribed in R12-4-520, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
- B.** No person shall moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regulatory marker or other type of permitted waterway marking devices as prescribed in R12-4-520, except in the performance of authorized maintenance responsibilities or as authorized pursuant to R12-4-518 or R12-4-522.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2).

#### R12-4-522. Establishment of Controlled-Use Markers

- A.** If a lawful jurisdiction has not exercised its authority to control watercraft under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following requirements:
1. The Department shall place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The Department shall ensure that restrictions imposed are clearly communicated to the public as prescribed by rule or by wording on the markers.
- B.** A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, shall report to the Department if controlled-use markers have been placed and

include in that report the type, purpose, and placement of markers, and whether the markers are expected to be permanent or temporary; the governmental agency shall also advise the Department of the removal of controlled-use markers. The report shall be made within 30 days of establishment or removal of controlled-use markers. A report is not required for establishment or removal of markers for less than 30 days.

- C. Any person or government agency may request establishment, change, or removal of controlled-use markers on waters under the jurisdiction of the Commission or on waters not under the jurisdiction of another agency by submitting the reasons for the request to the Director of the Arizona Game and Fish Department, who shall either accept or deny the request within 60 days of receipt. A person may appeal the Director's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-523. Controlled Operation of Watercraft

- A. A person shall not operate any watercraft, or use any watercraft to tow a person on waterskis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:
1. Law enforcement officers acting within the scope of their lawful duties;
  2. Persons involved in rescue operations;
  3. Persons engaged in government-authorized activities; and
  4. Persons participating in a regatta, during the time limits of the event only.
- B. The exemptions listed in subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed in A.R.S. § 5-341.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-524. Water Skiing

An operator of a watercraft shall ensure that the observer of a water skier is physically capable and mentally competent to act as an observer.

#### Historical Note

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-525. Watercraft Certificate of Number, Numbers, and Decal Revocation

- A. For the purposes of this Section, "person" has same meaning as prescribed in A.R.S. § 5-301(8).
- B. Upon notice of conviction of a person under A.R.S. § 5-391(F), the Department shall revoke for a period not to exceed two years the certificates of number, numbers, and decals of any Arizona registered watercraft involved in the violation that the convicted person owns. If the conviction under A.R.S. § 5-391(F) involves stolen watercraft, the Department shall revoke for a period not to exceed two years the certificates of number, numbers, and decals of any Arizona registered watercraft that the convicted person owns.
- C. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed one year the certificates of number, numbers, and decals for

any Arizona registered watercraft involved in the violation that the convicted person owns.

- D. Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, numbers, and decals of watercraft the person owns are subject to revocation.
- E. A person whose certificates of number, numbers, and decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director's Office, 2221 W. Greenway Rd., Phoenix, AZ 85023, within 15 calendar days of receiving the notice provided in subsection (D).
- F. If the person requests a hearing, the Department shall, within 30 days of receiving the request, schedule a hearing before the Director or request, in accordance with A.R.S. § 41-1092.05, that the Office of Administrative Hearings schedule a hearing.
- G. After a final decision to revoke, the Department shall serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.
- H. The revocation of the certificates of number, numbers, and decals does not affect the legal title to or any property rights in the watercraft. Upon application to the Department, the Department shall terminate the revocation and allow the owner to transfer the owner's entire interest in the watercraft if the Department is satisfied that the transfer is proposed in good faith and not for the purpose of defeating the revocation.

#### Historical Note

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

#### R12-4-526. Reserved

#### R12-4-527. Transfer of Ownership of a Towed Watercraft

- A. For the purpose of this Section, "towed watercraft" means a watercraft that has been impounded by and is in the possession of a towing company located in this state.
- B. At the time a towing company requests watercraft registration information under A.R.S. § 5-324 for a towed watercraft, the towing company shall present the towed watercraft to the closest Department regional office for identification if there is no discernible hull identification number or state-issued registration number.
- C. A towing company that wants to transfer the ownership of a towed watercraft shall submit the following to the Director of the Department:
1. Evidence of compliance with notification requirements in A.R.S. § 5-399;
  2. A report on a form available from the Department that includes the following:
    - a. Name of towing company;
    - b. Towing company's business address;
    - c. Towing company's business telephone number;
    - d. Towing company's Arizona Department of Public Safety tow truck permit number;
    - e. Towed watercraft's hull identification number, if known;
    - f. Towed watercraft's state-issued registration number, registration decal, and year of expiration, if known;
    - g. Towed watercraft's trailer license number, if available;
    - h. State and year of trailer registration, if available;
    - i. Towed watercraft's color and manufacturer, if known;

- j. Towed watercraft's condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
  - k. Date the watercraft was towed;
  - l. Location from which the towed watercraft was removed;
  - m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
  - n. Location where the towed watercraft is stored; and
  - o. Name and signature of towing company's authorized representative; and
3. Twenty-five dollar application fee under A.R.S. § 5-399.03(2).
- D.** If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft under A.R.S. § 5-399.01, and if the Department has determined that the towed watercraft is not stolen under A.R.S. § 5-399.02(A), the towing company shall follow the application procedures in A.R.S. § 5-399.02(B) and R12-4-502 to register the towed watercraft.

**Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 9 A.A.R. 1241, effective May 26, 2003 for a period of 180 days (Supp. 03-1). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent new Section made by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2).

**R12-4-528. Reserved****R12-4-529. Repealed****Historical Note**

Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-530. Reserved****R12-4-531. Reserved****R12-4-532. Reserved****R12-4-533. Reserved****R12-4-534. Reserved****R12-4-535. Reserved****R12-4-536. Reserved****R12-4-537. Reserved****R12-4-538. Reserved****R12-4-539. Reserved****R12-4-540. Reserved****R12-4-541. Repealed****Historical Note**

Former Section R12-4-88 renumbered as Section R12-4-541 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 5, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-542. Repealed****Historical Note**

Adopted as an emergency effective August 31, 1981, valid for ninety (90) days after filing pursuant to A.R.S. § 41-1003 (Supp. 81-4). Former Section R12-4-542 adopted as an emergency now adopted as permanent with

further amendment effective March 5, 1982 (Supp. 82-2). Amended effective March 29, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-543. Repealed****Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1). Amended effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended effective March 29, 1985 (Supp. 85-2). Correction, subsection (A), paragraph (2) as certified effective March 29, 1985 (Supp. 86-3). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Amended as an emergency effective May, 15, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Amended and readopted as an emergency effective August 25, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Emergency amendments adopted with changes effective January 5, 1990 (Supp. 90-1). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-544. Repealed****Historical Note**

Adopted effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-545. Repealed****Historical Note**

Adopted effective April 5, 1985 (Supp. 85-2). Amended by emergency effective May 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency amendments readopted effective August 28, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Repealed effective May 27, 1992 (Supp. 92-2).

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION****R12-4-601. Petition for Rule or Review of Practice or Policy**

- A.** Any individual, including any organization or agency, requesting that the Commission make, amend, or repeal a rule, shall submit a petition as prescribed in this Section.
- B.** Any individual, including any organization or agency, requesting that the Commission review an existing Department practice or substantive policy that the petitioner alleges to constitute a rule (as defined in A.R.S. § 41-1001) under A.R.S. § 41-1033, shall submit a petition as prescribed in this Section.
- C.** A petitioner shall not address more than one rule, practice, or substantive policy in the petition.
- D.** If the Commission has considered and denied a petition, and a petitioner submits a petition within the next year that addresses the same substantive issue, the petitioner shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.
- E.** A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 2221 West Greenway Rd., Phoenix, Arizona 85023. The Commission shall render a decision on the petition as required by A.R.S. § 41-1033.
- F.** Within five working days after a petition is submitted, the Director shall determine whether the petition complies with this Section.

1. If the petition complies with this Section, the Director shall place the petition on a Commission open meeting agenda. The petitioner may present oral testimony at that meeting, by complying with R12-4-603.
  2. If a petition does not comply with subsections (G) through (L) of this Section, the Director shall return a copy of the petition as filed to the petitioner and indicate in writing why the petition does not comply with this Section. The Director shall not place the petition on a Commission agenda. The Department shall maintain the original petition on file for five years and consider the petition as a comment during the five-year review process.
- G.** Petitions shall be typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2" x 11" paper; or typewritten, computer or word processor printed, or legibly handwritten on a form provided by the Department. The title shall be centered at the top of the first page and appear as "Petition to the Arizona Game and Fish Commission." The petition shall include the items listed in subsections (H) through (L). The items in the petition shall be presented in the order in which they are listed in this Section.
- H.** The title of Part 1 shall be "Identification of Petitioner." The title shall be centered at the top of the first page of this part. Part 1 shall contain:
1. If the petitioner is a private individual, the name, mailing address, and telephone number of the petitioner;
  2. If the petitioner is a private group or organization, the name and address of the group or organization; the name, mailing address, and telephone number of an individual who is designated as the representative or official contact for the petitioner; the total number of individuals, and the number of Arizona residents represented by the petitioner; or the names and addresses of all individuals represented by the petitioner; or
  3. If the petitioner is a public agency, the name and address of the agency and the name, title, and telephone number of the agency's representative.
- I.** The title of Part 2 shall be "Request for Rule" or "Request for Review," as applicable. The title shall be centered at the top of the first page of this part. Part 2 shall contain:
1. If the petition is for a new rule, a statement to this effect, followed by the heading and specific language of the proposed rule;
  2. If the request is for amendment of a current rule, a statement to this effect, followed by the Arizona Administrative Code (A.A.C.) number of the current rule proposed for amendment, the heading of the rule, the specific, clearly readable language of the rule, indicating language to be deleted with strikeouts, and language to be added with underlining;
  3. If the request is for repeal of a current rule, a statement to this effect, followed by the Arizona Administrative Code (A.A.C.) number of the rule proposed for repeal and the heading of the rule or;
  4. If the request is for review of an existing agency practice or substantive policy statement that the petitioner alleges qualifies as a rule (as defined in A.R.S. § 41-1001), a statement to this effect, followed by the practice or policy number, if any, the practice or policy heading, if any, or a brief description of the practice or policy subject matter.
- J.** The title of Part 3 shall be "Reason for the Petition." The title shall be centered at the top of the first page of this part. Part 3 shall contain:
1. The reason the petitioner believes rulemaking or review of a practice or policy is necessary;
  2. Any statistical data or other justification supporting rulemaking or review of the practice or policy, with clear reference to any exhibits that are attached to or included with the petition;
  3. An identification of any individuals or special interest groups the petitioner believes would be impacted by the rule or a review of the practice or policy, and how they would be impacted; and
  4. If the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition, or any written comments offered by the public.
- K.** The title of Part 4 shall be "Statutory Authority." The title shall be centered at the top of the first page of this part. In Part 4, the petitioner shall identify any statute that authorizes the Commission to make the rule, if known, or cite to A.R.S. § 41-1033 if the petition relates to review of an existing practice or substantive policy statement.
- L.** The title of Part 5 shall be "Date and Signature." The title shall be centered at the top of the first page of this part. Part 5 shall contain:
1. An original signature of the representative or official contact, if the petitioner is a private group or organization or private individual named under subsection (H)(1) or (H)(2); or
  2. If the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  3. The month, day, and year that the petition is signed.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

**R12-4-602. Written Comments on Proposed Rules**

Any individual may submit written statements, arguments, data, and views on proposed rules that have been filed with the Secretary of State under A.R.S. § 41-1022. An individual who submits written comments to the Commission may voluntarily provide their name and mailing address. To be placed into the rulemaking record and considered by the Commission for a final decision, the individual submitting the written comments shall ensure that they:

1. Are received before or on the closing date for written comments, as published by the Secretary of State in the Arizona Administrative Register;
2. Indicate, if expressed on behalf of a group or organization, whether the views expressed are the official position of the group or organization, the number of individuals represented are represented, types of membership available, and number of Arizona residents in each membership category; and
3. Are submitted to the employee designated by the Department to receive written comments, as published in the Arizona Administrative Register.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

**R12-4-603. Oral Proceedings Before the Commission**

- A.** For the purposes of this Section, "matter" or "proceeding" means any contested case, appealable agency action, rule or review petition hearing, rulemaking proceeding, or any public input at a Commission meeting.
- B.** The Commission may allow an oral proceeding on any matter. At an oral proceeding:

1. The Chair is responsible for conducting the proceeding. If an individual wants to speak, the individual shall first request and be granted permission by the Chair.
  2. Depending on the nature of the proceeding, the Chair may administer an oath to a witness before receiving testimony.
  3. The Chair may order the removal of any individual who is disrupting the proceeding.
  4. Based on the amount of time available, the Chair may limit the number of presentations or the time for testimony regarding a particular issue and shall prohibit irrelevant or immaterial testimony.
  5. Technical rules of evidence do not apply to an oral proceeding, and no informality in any proceeding or in the manner of taking testimony invalidates any order, decision, or rule made by the Commission.
- C.** The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking. The hearing officer has the same authority as the Chair in conducting oral proceedings, as provided in this Section.
- D.** The Commission authorizes the Director to continue a scheduled proceeding to a later Commission meeting. To request a continuance, a petitioner shall:
1. Deliver the request to the Director no later than 24 hours before the scheduled proceeding;
  2. Demonstrate that the proceeding has not been continued more than twice; and
  3. Demonstrate good cause for the continuance.
- C.** A Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may be reasonably expected to be involved in the decisional process of the proceeding, who receives, makes, or knowingly causes to be made a communication prohibited by subsection (B)(1) or (B)(2) of this Section, shall place on the public record of the proceeding and serve on all interested parties to the proceeding:
1. A copy of each written communication;
  2. A memorandum stating the substance of each oral communication; and
  3. A copy of each response and memorandum stating the substance of each oral response to any communication governed by subsections (C)(1) and (C)(2).
- D.** Upon receipt of a communication made or knowingly caused to be made by a party in violation of this Section, the Commission or its hearing officer, to the extent consistent with equity and fairness, may require the party to show cause why the claim or interest in proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the violation.
- E.** The provisions of this Section apply from the date that a notice of hearing for a contested case is served, a notice of appealable agency action is served, or a request for hearing is filed, whichever comes first, unless the person responsible for the communication has knowledge that a proceeding will be noticed, in which case the prohibitions apply from the date that the individual acquired the knowledge.

#### Historical Note

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### R12-4-604. Ex Parte Communication

- A.** For purposes of this Section:
1. "Individual outside the Commission" means any individual other than a Commissioner, personal aide to a Commissioner, Department employee, consultant of the Commission, or an attorney representing the Commission.
  2. "Ex parte communication" means any oral or written communication with the Commission that is not part of the public record and for which no reasonable prior written notice has been given to all interested parties.
- B.** In any contested case (as defined in A.R.S. § 41-1001) or proceeding or appealable agency action (as defined in A.R.S. § 41-1092) before the Commission, except to the extent required for disposition of ex parte matters as authorized by law or these rules of procedure, the following prohibitions apply to ex parte communication:
1. An interested individual outside the Commission shall not make or knowingly cause to be made to any Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decision-making process of the proceeding, an ex parte communication relevant to the merits of the proceeding;
  2. A Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall not make or knowingly cause to be made to any interested person outside the Commission an ex parte communication relevant to the merits of the proceeding.
- A.** Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for an individual who has been convicted of any of the following offenses:
1. Killing or wounding a big game animal during a closed season or possessing a big game animal taken during a closed season. Conviction for possession of a road-kill animal or an animal that was engaged in depredation is not considered "possessing during a closed season" for the purposes of this subsection.
  2. Destroying, injuring, or molesting livestock, or damaging or destroying personal property, notices or signboards, other improvements, or growing crops while hunting, fishing, or trapping.
  3. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person, if the act of discharging the firearm was deliberate.
  4. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
  5. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.
  6. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).
- B.** Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting fishing, or trapping license if the Department recommends revocation, suspension, or denial of the license for an individual convicted of any of the following offenses:

#### Historical Note

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### R12-4-605. Standards for Revocation, Suspension, or Denial of a License

- A.** Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for an individual who has been convicted of any of the following offenses:
1. Killing or wounding a big game animal during a closed season or possessing a big game animal taken during a closed season. Conviction for possession of a road-kill animal or an animal that was engaged in depredation is not considered "possessing during a closed season" for the purposes of this subsection.
  2. Destroying, injuring, or molesting livestock, or damaging or destroying personal property, notices or signboards, other improvements, or growing crops while hunting, fishing, or trapping.
  3. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person, if the act of discharging the firearm was deliberate.
  4. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
  5. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.
  6. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).
- B.** Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting fishing, or trapping license if the Department recommends revocation, suspension, or denial of the license for an individual convicted of any of the following offenses:

1. Unlawfully taking or possessing big game, if sufficient evidence, which may or may not have been introduced in the court proceeding, supports any of the following conclusions:
    - a. The big game was taken without a valid license or permit.
    - b. The unlawful taking was willful and deliberate.
    - c. The person in unlawful possession aided the unlawful taking or was, or should have been, aware that the taking was unlawful.
  2. Unlawfully taking or possessing small game or fish, if sufficient evidence, which may or may not have been introduced in the court proceeding, supports any of the following conclusions:
    - a. The taking was willful and deliberate.
    - b. The possession was in excess of the lawful possession limit plus the daily bag limit.
  3. Unlawfully taking wildlife species if sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that the act of taking was willful and deliberate and showed disregard for state wildlife laws.
  4. Littering a public hunting or fishing area while taking wildlife, if sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that an individual littered the area, the amount of litter discarded was unreasonably large, and that the individual convicted made no reasonable effort to dispose of the litter in a lawful manner.
  5. Careless use of a firearm while hunting, fishing, or trapping that resulted in injury or death to any person, if the act of discharging the firearm was not deliberate, but sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that the careless use demonstrated wanton disregard for the safety of human life or property.
  6. Any violation for which a license can be revoked under A.R.S. § 17-340, if the person has been convicted of a revocable offense within the past three years.
  7. Violation of A.R.S. § 17-306 for unlawful possession of wildlife.
- C. Under A.R.S. §§ 17-238, 17-362, 17-363, 17-364, and 17-340, if the Department has made a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, or special license (as defined in R12-4-401) in any case where license revocation is authorized by law.

#### Historical Note

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### R12-4-606. Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages

- A. The Director may commence a proceeding for the Commission to revoke, suspend or deny a license under A.R.S. §§ 17-238, 17-340, 17-362, 17-363, 17-364, R12-4-105, and R12-4-605. The Director may also commence a proceeding for civil damages under A.R.S. § 17-314.
- B. The Commission shall conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license in accordance with the Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. A respondent shall limit testimony to facts that show why the license should not be revoked or denied. Because the Commission does not have the authority to consider or change the conviction, a respondent is not

permitted to raise this issue in the proceeding. The Commission shall permit a respondent to offer testimony or evidence relevant to the Commission's decision to order recovery of civil damages or wildlife parts.

- C. If a respondent does not appear for a hearing on the date scheduled, at the time and location noticed, no further opportunity to be heard is provided, unless rehearing or review is granted under R12-4-607. If the respondent does not wish to attend the hearing, the respondent may submit written testimony to the Department before the hearing date designated in the Notice of Hearing required by A.R.S. § 17-340(D). The Commission shall ensure that written testimony received at the time of the hearing is read into the record at the hearing.
- D. The Commission shall base its decision on the officer's case report, a summary prepared by the Department, a certified copy of the court record, and any testimony presented at the hearing. With the notice of hearing required by A.R.S. § 17-340(D), the Department shall supply the respondent with a copy of each document provided to the Commission for use in reaching a decision.
- E. Any party may apply to the Commission for issuance of a subpoena to compel the appearance of any witness or the production of documents at any hearing or deposition. Not later than 10 calendar days before the hearing or deposition, the party shall file a written application that provides the name and address of the witness, the subject matter of the expected testimony, the documents sought to be produced, and the date, time, and place of the hearing or deposition. The Commission chair has the authority to issue the subpoenas.
  1. A party shall have a subpoena served as prescribed in the Arizona Rules of Civil Procedure, Rule 45. An employee of the Department may serve a subpoena at the request of the Commission chair.
  2. A party may request that a subpoena be amended at any time before the deadline provided in this Section for filing the application. The party shall have the amended subpoena served as provided in subsection (E)(1).
- F. A license revoked by the Commission is suspended on the date of the hearing and revoked upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order revoking a license, the license is revoked after all appeals have been completed. A denial of the right to obtain a license is effective for a period not to exceed five years, as determined by the Commission, beginning on the date of the hearing.
- G. A license suspended by the Commission is suspended on the date of the hearing, and suspended upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order suspending a license, the license is suspended after all appeals have been completed. Under A.R.S. § 17-340(A), a suspension of a license is effective for a period not to exceed five years, as determined by the Commission, beginning on the date of the hearing.

#### Historical Note

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended effective November 10, 1997 (Supp. 97-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### R12-4-607. Rehearing or Review of Commission Decisions

- A. For purposes of this Section the following terms apply:
  1. "Contested case" and "party" are defined as provided in A.R.S. § 41-1001;
  2. "Appealable agency action" is defined as provided in A.R.S. § 41-1092(3).

- B. Except as provided in subsection (G), any party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review within 30 calendar days after service of the final administrative decision. For purposes of this subsection a decision is served when personally delivered or mailed by certified mail to the party's last known residence or place of business. The party shall attach a supporting memorandum, specifying the grounds for the motion.
- C. A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. An opposing party has 15 calendar days after service to respond to the motion or the amended motion. The Commission has the authority to require that the parties file written briefs on any issue raised in a motion or response, and allow for oral argument.
- D. The Commission has the authority to grant rehearing or review for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the proceedings of the Commission, or any order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct of the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceeding; or
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). The Commission's order modifying a decision or granting a rehearing shall specify the grounds for the order, and any rehearing shall cover only those specified matters.
- F. Not later than 15 calendar days, after a decision, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing or review for a reason not stated in the motion.
- G. When a motion for rehearing or review is based upon affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 10 calendar days after service, serve opposing affidavits. The Commission may extend this period for no more than 20 calendar days for good cause shown or by written stipulation of the parties. The Commission has the authority to permit reply affidavits.

#### Historical Note

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered without change as Section R12-4-607 effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### R12-4-608. Expired

##### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-1). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective January 31, 2002 (Supp. 02-1).

#### R12-4-609. Commission Orders

- A. Except as provided in subsection (B):
  1. At least 20 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall ensure that a public meeting notice and agenda for the public meeting is posted in accordance with A.R.S. § 38-431.02. The Department shall also issue a public notice of the recommended Commission Order to print and electronic media at least 20 calendar days before the meeting.
  2. The Department shall ensure that the public meeting notice and agenda contains the date, time, and location of the Commission meeting where the Commission Order will be considered and a statement that the public may attend and present written comments at or before the meeting.
  3. The Department shall also ensure that the public meeting notice and agenda states that a copy of the proposed Commission Order is available for public inspection at the Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa 10 calendar days before the meeting. The Commission may make changes to the recommended Commission Order at the Commission meeting.
- B. The requirements of subsection (A) do not apply to Commission orders establishing:
  1. Supplemental hunts as prescribed in R12-4-115, and
  2. Special seasons for individuals that possess special license tags issued under A.R.S. § 17-346 and R12-4-120.
- C. The Department shall publish the content of all Commission orders and make them available to the public without charge.

##### Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles

- A. Any individual or agency requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping under R12-4-110 or A.R.S. § 17-304(B); or closing roads or trails on state lands under R12-4-110, shall submit a petition as prescribed in this Section before the Commission will consider the request.
- B. A petition shall not address more than one contiguous closure request.
- C. Once the Commission has considered and denied a petition, an individual who subsequently submits a petition that addresses the same contiguous closure request shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.

- D.** The petitioner shall file an original and one copy of the petition shall be filed with the Director of the Arizona Game and Fish Department, 2221 West Greenway, Phoenix, Arizona 85023, not less than 60 calendar days before a scheduled Commission meeting to be placed on the agenda for that meeting. If the Commission receives a petition after that time it will be considered at the next regularly-scheduled open meeting. At any time, the petitioner may withdraw the petition or request delay to a later regularly-scheduled open meeting.
- E.** Within 15 business days after the petition is filed, the Department shall determine whether the petition complies with this Section, R12-4-110, and A.R.S. § 17-452. Once the Department determines that the petition meets these requirements, and if the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (D), shall place the petition on the agenda for the Commission's next open meeting and provide written notice to the petitioner of the date that the Commission will consider the petition.
1. The petitioner may present oral testimony in support of the petition at the Commission meeting, in accordance with the provisions of R12-4-603.
  2. If a petition does not meet the requirements prescribed in this Section, R12-4-110, and A.R.S. § 17-452, the Department shall return one copy of the petition as filed to the petitioner with the reasons why the petition does not meet the requirements, and not place the petition on a Commission agenda.
  3. If the Department returns a petition to a petitioner for a reason that cannot be corrected, the Department shall serve on the petitioner a notice of appealable agency action under A.R.S. § 41-1092.03.
- F.** The petitioner shall submit a petition that:
1. Is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2 x 11" paper;
  2. Has a concise map that shows the specific location of the proposed closure;
  3. Has the title "Petition for the Closure of Hunting, Fishing, or Trapping Privileges on Public Land" or "Petition for the Closure of Public Lands to the Operation of Motor Vehicles" at the top of the first page;
  4. Is in four parts, with titles designating each part as prescribed in this subsection;
  5. Has a "Part 1" with the title "Identification of Petitioner" and contains the following information, if applicable:
    - a. If the petitioner is the leaseholder of the area proposed for closure, the name, lease number, mailing address, and home telephone number of the petitioner;
    - b. If the petitioner is anyone other than the leaseholder, the name, mailing address, and telephone number of the leaseholder; the name, mailing address, and telephone number of the petitioner; and the name of each group or organization or organizations that the petitioner represents; or
    - c. If the petitioner is a public agency, the name and address of the agency and the name, title, and telephone number of the agency's representative regarding the petition.
  6. Has a "Part 2" with the title "Request for Closure" and contains all of the following information, if applicable:
    - a. The type of closure requested: either a hunting, fishing, or trapping closure, or closure to the operation of motor vehicles;
    - b. A complete legal description of the area to be closed;
    - c. The name or identifying number of any road and the portion of the road affected by the closure; and
    - d. The dates proposed for the closure:
      - i. If the closure is to the operation of motor vehicles, the actual time period of the closure (up to five years), and whether or not the closure is seasonal; or
      - ii. If the closure is for hunting, fishing, or trapping, whether or not the request is for a permanent closure or for some other period of time.
7. Has a "Part 3" with the title "Reason for Closure" and contains all of the following information, if applicable:
- a. Each reason why the closure should be considered under R12-4-110, A.R.S. § 17-304(B), or A.R.S. § 17-452(A);
  - b. Any data or other justification supporting the reasons for the closure with clear reference to any exhibits that may be attached to the petition;
  - c. Each individual or segment of the public the petitioner believes will be impacted by the closure, including any other valid licensees, lessees, or permittees that will or may be affected, and how they will be impacted, including both positive and negative impacts;
  - d. If the petitioner is a public agency, a summary of issues raised in any public hearing or public meeting regarding the petition and a copy of each written comment or document of concurrence authorized under A.R.S. § 17-452(A), received by the petitioning agency; and
  - e. A proposed alternate access route, under R12-4-110.
8. Has a "Part 4" with the title "Dates and Signatures" and contains the following:
- a. The original signature of the private party or the official contact named under subsection (F)(5)(a) or (b) of this Section, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  - b. The month, day, and year when the petition was signed.

#### Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### **R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

- A.** If no administrative remedy exists in statute, rule or policy, an aggrieved individual may request a hearing before the Commission by following the provisions of this Section.
- B.** Any individual who requests a hearing under this Section shall submit a petition as prescribed in this Section before the request for a hearing will be considered by the Commission.
- C.** A petitioner shall file the original and one copy of the petition with the Arizona Game and Fish Department, Director's Office, 2221 W. Greenway Rd., Phoenix, Arizona 85023.
- D.** The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced on 8 1/2" x 11" paper. The petitioner shall place the title "Petition for Hearing by the Arizona Game and Fish Commission" at the top of the first page. The petition shall include the items listed in subsections (E) through (H).

The petitioner shall present the items in the petition in the order in which they are listed in this Section.

- E. The petitioner shall ensure that the title of Part 1 is "Identification of Petitioner" and that Part 1 includes the following information, as applicable:
  1. If the petitioner is a private person, the name, mailing address, telephone number, and e-mail address (if available) of the petitioner;
  2. If the petitioner is a private group or organization, the name and address of the organization; the name, mailing address, telephone number, and e-mail address (if available) of one person who is designated as the official contact for the group or organization; the number of individuals or members represented by the private group or organization, and the number of these individuals or members who are Arizona residents. If the petitioner prefers, the petitioner may provide the names and addresses of all members; or
  3. If the petitioner is a public agency, the name and address of the agency and the name, title, telephone number, and e-mail address (if available) of the agency's representative.
- F. The petitioner shall ensure that the title of Part 2 is "Statement of Facts and Issues." Part 2 shall contain a description of the issue to be resolved, and a statement of the facts relevant to resolving the issue.
- G. The petitioner shall ensure that the title of Part 3 is "Petitioner's Proposed Remedy." Part 3 shall contain a full and detailed explanation of the specific remedy the petitioner is seeking from the Commission.
- H. The petitioner shall ensure that the title of Part 4 is "Date and Signatures." Part 4 shall contain:
  1. The original signature of the private party or the official contact named in the petition, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  2. The month, day, and year that the petition is signed.
- I. If a petition does not comply with this Section, the Director shall return the petition and indicate why the petition is deficient.
- J. After the Director receives a petition that complies with this Section, the Director shall place the petition on the agenda of a regularly scheduled Commission meeting.
- K. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same matter, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- L. This Section does not apply to the following:
  1. A matter related to a license revocation or civil assessment; or
  2. An unsuccessful hunt permit-tag draw application, where there was no error on the part of the Department.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

### ARTICLE 7. HERITAGE GRANTS

#### R12-4-701. Heritage Grant Definitions

In addition to the definitions provided in A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

1. "Administrative subunit" means the branch, department, division, section, school, or other similar divisional entity of a public agency where a participant contact is directly employed, for example, an individual school, but not the entire school district; an individual field office or project

- office, but not the entire agency; or an individual administrative department, but not the entire city government.
2. "Approved application" means a participant's application including any changes, exceptions, deletions, or additions made by the Department before approval.
3. "Commission" means the Game and Fish Commission.
4. "Department" means the Game and Fish Department.
5. "Facilities" means capital improvements.
6. "Fund" means a granting source from the Game and Fish Heritage Fund, under A.R.S. § 17-297.
7. "Grant effective date" means the date the Director of the Arizona Game and Fish Department signs the Grant-in-Aid Participant Agreement.
8. "Grant Prioritization Process" means a document approved by the Game and Fish Commission based upon the Department mission statement, strategic plans, and current guiding statements that defines the Department's priorities. This document is also used for prioritizing grant applications.
9. "Heritage Grant" means an Arizona Game and Fish Commission Heritage Fund Grant.
10. "Participant" means an eligible applicant that has been awarded a grant from the fund.
11. "Participant contact" means an eligible applicant's employee who is responsible for administering a Heritage Grant funded project.
12. "Project" means an activity, or series of related activities, which is described in the specific project scope of work and which results in specific products or services.
13. "Project period" means the time during which all approved work and related expenditures associated with an approved project are to be accomplished by the participant.
14. "Public agency" means the federal government or any federal department or agency, Indian tribe, this state, all departments, agencies, boards, and commissions of this state, counties, school districts, cities, towns, all municipal corporations, and any other political subdivision of this state.
15. "Specific scope of work" means the units of work to be accomplished by an approved project.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

#### R12-4-702. General Provisions

- A. The application deadline is the last working day of November each year and funds become available July 1 of the following year. The Department shall ensure that the exact time and date for the application deadline and the exact application submission location are designated in the Arizona Game and Fish Department's "Grant Application Manual." The Department shall ensure that the "Heritage Grant Application Manual," application forms and instructions, the Grant Prioritization Process, and any annualized information on project emphasis for each fund are available from the Department's Funds Planning Section within the Phoenix office.
- B. Applicants shall be public agencies as defined in R12-4-701 and shall apply for Heritage grants in accordance with A.R.S. §§ 17-296, 17-297, 17-298, and Commission rules within 12 A.A.C. 4, Article 7, to be eligible for consideration. An applicant who has failed to comply with the rules or conditions of a Grant-in-Aid Participant Agreement is not eligible for further grants until the applicant's project is brought into compliance.

- C. The Department shall notify applicants in writing of the results of their applications and announce grant awards at a regularly scheduled open meeting of the Game and Fish Commission. An unsuccessful applicant may submit an appeal regarding a grant award within 30 calendar days of the Commission meeting in accordance with A.R.S. Title 41, Chapter 6, Article 10, Uniform Administrative Appeals Procedures.
- D. Participants shall not begin projects described in an application until the grant effective date as defined in R12-4-701. A participant shall complete projects as specified in the Grant-in-Aid Participant Agreement. A participant shall submit records that substantiate the expenditure of funds.
- E. A participant shall operate and maintain properties, facilities, equipment, and services funded by a Heritage grant for the benefit of the public for the useful life of the project.
- F. The participant shall control land or waters on which capital improvements are to be made, through fee title, lease, easement, or agreement. To be eligible for a Heritage Grant, the applicant's management or control rights to the proposed site shall be equivalent to the proposed investment in at least one of the following three respects:
  1. The time remaining on the use agreement is a term sufficient, in the judgment of the Department, to ensure a period of public use equal in value to the expenditure of awarded funds.
  2. The use agreement is not revocable at will by the property owner and provides for the option to renew by the managing agency.
  3. The applicant shows evidence that public access exists to the actual site where the project is proposed, unless the purpose of the project proposal is to specifically create access or limit access.
- G. A participant shall give public acknowledgment of grant assistance for the life of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources and dollar amounts of all funds. The participant may include the cost of this signage as part of the original project, but is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include funding acknowledgment on any publicly available or accessible products resulting from the project.
- H. The Department shall not accept project proposals for less than \$1000.
- I. A participant shall pay operation and maintenance costs, including costs for reprinting of publications or other media.
- J. A participant shall not use grant funds to pay compensation in excess of the legally established salary for any permanent public employee.
- K. If specified in the Grant-in-Aid Participant Agreement, including the Special Conditions attachment, the participant shall provide evidence of compliance with local, state, and federal law to the Department before the release of the initial grant funds and before project implementation.
- L. If a participant contact has a Heritage Grant funded project in extension, the participant contact and the administrative subunit employing the participant contact are not eligible for further Heritage Grants until the project under extension is completed. This restriction does not apply to the participant contact's public agency as a whole, or to any other participant contact employed by the same public agency in any other administrative subunit, so long as the other participant contact does not have a Heritage Grant funded project in extension. For the purposes of this restriction, the Department shall determine what constitutes an administrative subunit.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

**R12-4-703. Review of Proposals**

- A. Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Game and Fish Department and the project's feasibility, merit, and usefulness. The Department shall evaluate and rank all eligible proposals under the criteria established in this Section and the Department's Grant Prioritization Process as approved by the Commission and available from the Department's Funds Planning Section in the Phoenix office.
- B. The Department shall make funding of an awarded project contingent upon revision of the application if the Department determines that substantive changes are necessary for the successful completion of the project.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

**R12-4-704. Urban Wildlife and Urban Wildlife Habitat Grants**

- A. "Urban wildlife" means the wildlife that occurs within the limits of an incorporated area or in close proximity to an urban area that receives significant impact from human use. (A.R.S. § 17-296(6)).
- B. In order to be eligible for a grant award, an applicant shall ensure that a proposed project location meets one of the following criteria:
  1. It is within the corporate limits of an incorporated city or town;
  2. It is within the communities of Green Valley, Flowing Wells, Sun City, or Sun City West;
  3. It is within five miles, in straight distance, of the boundary of an incorporated area or one of the communities listed above.
- C. In order to be eligible for an urban wildlife or urban wildlife habitat grant award, applicants shall ensure that proposed projects are designed to conserve, enhance, and establish wildlife habitats and populations in harmony with urban environments, and increase public awareness of and support for urban wildlife resources.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3).

**R12-4-705. Public Access Grants**

- A. "Public access" has the meaning prescribed in A.R.S. § 17-296(1).
- B. "Publicly held lands" means federal, public, and reserved lands, State Trust Lands, and other lands within Arizona that are owned, controlled, or managed by the United States, the state of Arizona, agencies, or political subdivisions of the state.
- C. To be eligible for a public access grant award, an applicant shall ensure that a proposed project is designed to increase or maintain public access for recreational use in cooperation with federal land managers, local and state governments, private landowners, and public users. An applicant shall also ensure that a proposed project is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands. To be eligible for Heritage access grant funding, an applicant's potential project shall provide for substantive recreational access opportunities. Examples include

providing new access into an area where no access currently exists, re-establishing access into an area where access existed historically, maintaining or enhancing existing access routes to better serve a specific segment of the population, or relocating an existing access corridor to avoid biologically sensitive areas.

- D. Ineligible projects are those projects not in compliance with this Section and those project types listed as ineligible in the Heritage Grant Application Manual or other materials available from the Department's Funds Planning Section in the Phoenix office.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

#### R12-4-706. Environmental Education Grants

- A. "Environmental education" has the meaning prescribed in A.R.S. § 17-296(7).
- B. To be eligible for an environmental education grant, an applicant shall ensure that a project proposal is for no less than \$1,000 and no more than \$10,000, and that a proposed project is designed to:
1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment and increase responsible actions toward wildlife;
  2. Use Arizona wildlife as its focus and present wildlife issues in a balanced and fair manner; and
  3. Have impact on Arizona schools and school children.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

#### R12-4-707. Schoolyard Habitat Grants

- A. In order to be eligible for a schoolyard habitat grant, the applicant must be a public school within Arizona.
- B. In order to be eligible for a schoolyard habitat grant, applicants shall ensure that proposed projects are designed to:
1. Encourage wildlife education on school sites or adjacent areas that allow wildlife education activities and encourage use by urban wildlife species;
  2. Encourage native wildlife species, utilize a majority of native plant materials, and demonstrate water conservation techniques;
  3. Actively use school children in the planning, development, and construction process, demonstrate long-term sustainability, and be fully integrated into the school curriculum.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3).

#### R12-4-708. IIAPM: Grants for Identification, Inventory, Acquisition, Protection, and Management of Sensitive Habitat

- A. "Habitat protection" has the meaning prescribed in A.R.S. § 17-296(9).
- B. "Sensitive habitat" has the meaning prescribed in A.R.S. § 17-296(2).
- C. To be eligible for an IIAPM grant, an applicant shall ensure that the proposed project is designed to:
1. Preserve and enhance Arizona's natural biological diversity, and
  2. Incorporate at least one of the following elements:
    - a. Identification, inventory, acquisition, protection, or management of sensitive habitat; or

- b. Inventory, identification, protection, or management of species as addressed within A.R.S. § 17-296.

- D. Each year the Department shall provide a listing of habitat and species as defined within A.R.S. § 17-296 that it will consider in accordance with biological, conservation, and management status changes.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

#### R12-4-709. Grant Applications

- A. To be eligible for a Heritage grant, an applicant shall submit a grant application in accordance with the schedule established by R12-4-702.
- B. The applicant shall submit a separate application for each funding source.
- C. The applicant shall submit the original plus two copies of each application on paper sized 8 1/2" x 11" and shall ensure that the original and the copies are legible.
- D. The Department shall not accept facsimile or "faxed" copies of a grant application.
- E. The applicant shall ensure that the "Application Checklist" lists all items included within the application. The applicant shall check off an item if it is included within the application, and initial each item that is not applicable.
- F. The applicant shall provide the following information on the grant application form:
1. Name of the eligible applicant;
  2. Any county and legislative district where the project will be developed or upon which the project will have impact;
  3. The official mailing address of the applicant;
  4. The name, title, and telephone number of the individual who will have the day-to-day responsibility for the proposed project;
  5. Identification of the particular grant fund from which assistance is being requested, under R12-4-704, R12-4-705, R12-4-706, R12-4-707, or R12-4-708;
  6. The proposed project title incorporating the name of the site, if any, and the type of work to be accomplished;
  7. A clear and concise description of the scope and objective of the proposed project, the nature of what is to be accomplished, the methods to be used, and the desired result from the project;
  8. The beginning and ending dates for the project; and
  9. The funding amounts that will be needed to accomplish the project, including the Heritage Grant funds requested, and evidence of secured matching funds or contributions.
- G. The person who on behalf of the applicant has authority to bind the applicant to the terms of the Grant-in-Aid Participant Agreement shall sign the grant application form. The person signing the grant application form represents that the applicant has authority to enter into agreements, accept funding, and fulfill the terms of the Grant-in-Aid Participant Agreement.
- H. The applicant shall submit a map clearly identifying project locations or project proposal areas, and, if applicable, the applicant shall also submit a site plan and floor plan.
- I. The applicant shall submit with the grant application the following information to provide evidence of control and tenure at the project site. The Department shall determine the appropriateness of the evidence of control and tenure as a part of the grant application review process:
1. If the project site is owned by the applicant, a copy of the legal document showing title in the name of the applicant and the legal description of the property;

2. If the project site will be managed by the applicant, a copy of the lease, special use permit, intergovernmental agreement, or other official instrument or documentation; or
  3. For research project proposals relating to sites not controlled by the applicant, a copy of the permit or agreement allowing the research or, at a minimum, evidence of permission from the land manager allowing the research.
- J.** The applicant shall submit an estimated project cost sheet form with the following information:
1. Project title as designated on the application form;
  2. If applicable, pre-agreement costs requested;
  3. If applicable, all estimated development costs in order of priority of need, facilities to be constructed, unit measurements, number of items, and total costs;
  4. All land parcels to be acquired listed in priority order, with acreage involved and anticipated dates of acquisition;
  5. The cost, title, and name of personnel who would accomplish the project objectives and who would receive benefit from the grant; and
  6. The total cost for the entire project proposal with each of the following amounts listed separately:
    - a. Heritage grant funds requested;
    - b. Applicant contribution to the project, if applicable; and
    - c. Any other sources of funding.
- K.** The applicant shall answer all questions relevant to the grant applied for and to the Grant Prioritization Process by which the Department evaluates and ranks proposals.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

#### **R12-4-710. State Historic Preservation Office Certification**

The Department shall not release grant funds until certification is received from the State Historic Preservation Officer in accordance with A.R.S. §§ 41-861 through 41-864, the State Preservation Act, which mandates that all state agencies consider the potential of activities or projects to impact significant cultural resources.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3).

#### **R12-4-711. Grant-in-Aid Participant Agreements**

Before any transfer of funds, a participant shall agree to and sign a Grant-in-Aid Participant Agreement that includes the following minimum stipulations:

1. The participant shall use awarded grant funds solely for eligible purposes of the funding program as defined by law and as approved by the Department. The participant shall not exceed the grant allocation unless the parties amend the Grant-in-Aid Participant Agreement.
2. If both parties agree that all project costs shall be expended within the first quarter of the project period, the Department shall transfer the total amount of awarded grant funds to the participant within the first quarter of the project period. In all other cases, the Department shall transfer awarded grant funds, less 10 percent, to the participant within one year of the grant effective date. The Department shall transfer the final 10 percent less any adjustment for actual expenditures upon receipt of a written request and a certification of project completion from the participant, unless the participant violates state law or the Grant-in-Aid Participant Agreement. The Department has the authority under the Grant-in-Aid Participant

Agreement to perform completion inspections and reviews before release of final payment.

3. The participant shall deposit transferred grant funds in a separate project account carrying the name and number of the project. The participant shall expend funds from the account only as authorized under the terms of the Grant-in-Aid Participant Agreement.
4. The participant may request changes to the terms, scope, conditions, or provisions of the Grant-in-Aid Participant Agreement by writing to the Department. Requests for extension beyond the approved project period shall be submitted by the participant no later than 30 days before the contract expiration date. The Department shall prepare in writing any approved amendments, which must be signed by both the participant and the Department to be valid.
5. Notwithstanding subsection (4), the Department shall issue an administrative extension to unilaterally extend the project period by no more than 90 days to perform completion inspections or to complete administrative work if completion inspections or administrative work cannot be completed within the time-frame of the existing Grant-in-Aid Participant Agreement.
6. If the participant violates state law or the Grant-in-Aid Participant Agreement, the Department shall seek recovery of all funds granted and classify the participant as ineligible for Heritage Funds grants for a period not to exceed five years.
7. The participant shall operate and maintain grant-assisted capital improvements and provide reasonable protection of any project improvements.
8. The participant sponsoring a third party or subcontractor is responsible for compliance with the Grant-in-Aid Participant Agreement provisions if the third party or subcontractor defaults.
9. The participant shall use awarded grant funds solely for costs associated with approved project work incurred during the project period.
10. The project period is designated to be three years from the grant effective date unless otherwise agreed upon by the Department and the participant.
11. If a balance of awarded grant funds is available upon completion of approved project elements, the participant may, with Department approval, develop additional scope elements.
12. The participant shall request amendments to accommodate additions or changes to the Grant-in-Aid Participant Agreement in writing, stating the need and rationale for the amendments.
13. The participant shall use equipment purchased with grant funds for an approved public purpose for the useful life of the equipment, or surrender the equipment to the Department upon completion of the project, whichever comes first, if the equipment has an acquisition cost of more than \$500. If the equipment is sold, the participant shall pay the Department the amount of any resulting proceeds in the ratio equivalent to the funds provided for the purchase.
14. The participant shall ensure that the value of real property purchased with grant assistance is appraised by an Arizona certified appraiser within one year before the purchase or lease according to the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for independent evaluation if the Department has evidence that the appraised value of real property is not accurate as submitted by the

participant. The Department's acceptance of land conveyance documents is contingent upon approval by the Game and Fish Commission and the governor.

15. The Department shall delay grant payment to a participant who fails to submit project-status reports as required in R12-4-712 until the participant has submitted all past due project-status reports.
16. The Department has the authority under the Grant-in-Aid Participant Agreement to conduct inspections to ensure compliance with all terms of the contract.
17. The participant shall not use grant funds for the purpose of producing income. However, the participant may engage in income-producing activities incidental to the accomplishment of approved purposes if the participant uses the activities to further the purposes of the approved project or returns the income to the original funding source designated in the Grant-in-Aid Participant Agreement. The participant shall return funds remaining at the end of the project period to the Department.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

#### R12-4-712. Reporting and Record Requirements

- A. A participant shall submit biannual project-status reports to the Department covering activities for the project period, unless otherwise specified in the Grant-in-Aid Participant Agreement, including the Special Conditions attachment. The exact timing of the submission of reports to the Department will be as specified in the Grant-in-Aid Participant Agreement and the Special Conditions attachment. A participant shall include a separate section in each report covering all of the following subjects:
  1. Progress in completing approved work,
  2. Itemized, cumulative project expenditures, and
  3. Anticipated delays and problems preventing on-time completion of the project.
- B. A participant shall account for income or interest derived from project funds in the participant's report.
- C. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and other records relating to the acquisition and performance of the contract for a period of five years after the completion of the contract. The Department may inspect and audit participant and subcontractor records based on verified complaints or evidence that indicates the need for an inspection or audit. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. The participant shall bear full responsibility for acceptable performance by a subcontractor under each subcontract. The participant may substitute microfilm copies in place of the original records after project costs have been verified.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2).

### ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

#### R12-4-801. General Provisions

- A. Wildlife areas shall be established to:
  1. Provide protective measures for wildlife, habitat, or both; and
  2. Allow for special management or research practices; and
  3. Enhance wildlife and habitat conservation.

#### B. Wildlife areas shall be:

1. Lands owned or leased by the Commission and managed by the Department, or
2. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation.
3. Any lands with property interest conveyed to the Commission by any entity, through approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, agreement, management agreement, inter-agency agreements, letter agreements, and right-of-entry, where said property interest is sufficient for management of the lands consistent with the objectives of the wildlife area.

#### C. Wildlife area designation shall not be given to any private lands, or lands in which private parcels are located, solely for the purpose of protecting private property. Wildlife area designation on private property, or where private property is involved, shall be considered by the Commission only when the Commission and the owners arrive at a mutual agreement that shall not confine or restrict the Department in fulfilling management or research objectives, nor close the area to hunting, trapping, or fishing.

#### D. Land qualified for wildlife areas shall be:

1. Lands with unique topographic or vegetative characteristics that contribute to wildlife,
2. Lands where certain wildlife species are confined because of habitat demands,
3. Lands that can be physically managed and modified to attract wildlife, or
4. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.

#### E. The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.

#### F. Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.

#### G. When a wildlife area is posted against travel except on existing roads, no person shall drive a motor-operated vehicle over the countryside except by road.

#### H. Effective May 1, 2000.

#### Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2).

#### R12-4-802. Wildlife Area Restrictions

No person shall violate the following restrictions on Wildlife Areas:

1. Alamo Wildlife Area (located in Units 16A and 44A):
  - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.
  - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - d. Open to hunting in season.
2. Allen Severson Wildlife Area (located in Unit 3B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.

- d. Posted portions closed to discharge of all firearms from April 1 to July 31 annually.
- e. Open to hunting in season, except posted portions closed to hunting from April 1 to July 31 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
  - a. Access to Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
  - b. Closed to discharge of all firearms.
  - c. Open to hunting in season with bow and arrow only.
4. Arlington Wildlife Area (located in Unit 39):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Target or claybird shooting permitted in designated areas only.
  - e. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - f. Open to hunting in season.
5. Base and Meridan Wildlife Area (located in Units 39 M and 42M):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - e. Closed to discharge of rifled firearms.
  - f. Open to hunting in season.
6. Becker Lake Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads only.
  - d. Posted portions closed to public entry from December 15 to July 31 annually.
  - e. Open to hunting in season, except posted portions. Legal weapons restricted to shotguns shooting shot and bow and arrow.
7. Bog Hole Wildlife Area (located in Unit 35B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - e. Open to hunting in season.
8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
  - e. Open to hunting in season.
9. Chevelon Creek Wildlife Area (located in Unit 4B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
  - e. Posted portions closed to public entry from October 1 to February 1 annually.
- f. Open to hunting in season, except posted portions closed to hunting from October 1 to February 1 annually.
10. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
  - a. Closed to discharge of all firearms.
  - b. Closed to hunting.
11. Cluff Ranch Wildlife Area (located in Unit 31):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - e. Posted portions around Department housing closed to discharge of all firearms.
  - f. Closed to discharge of centerfire rifled firearms.
  - g. Open to hunting in season.
12. Colorado River Nature Center Wildlife Area (located in Unit 15D):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - e. Closed to hunting.
13. House Rock Wildlife Area (located in Unit 12A):
  - a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - b. Open to hunting in season.
14. Jacques Marsh Wildlife Area (located in Unit 3B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Open to hunting in season. Legal weapons restricted to shotguns shooting shot and bow and arrow.
15. Lamar Haines Wildlife Area (located in Unit 7):
  - a. No firewood cutting or gathering.
  - b. No overnight public camping.
  - c. No motorized vehicles.
  - d. Open to hunting in season.
16. Luna Lake Wildlife Area (located in Unit 1):
  - a. Posted portions closed to public entry from April 1 to July 31 annually.
  - b. Open to hunting in season, except closed to hunting from April 1 to July 31 annually.
17. Mittry Lake Wildlife Area (located in Unit 43B):
  - a. Open fires allowed in designated areas only.
  - b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
  - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - d. Posted portions closed to public entry from November 15 to February 15 annually.
  - e. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
18. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):

- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on posted designated roads, on designated trails, or in designated areas only.
  - e. Open to hunting in season.
19. Quigley Wildlife Area (located in Unit 41):
- a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - d. Posted portions closed to public entry from September 1 to March 31 annually.
  - e. Open to hunting in season, except posted portions closed to hunting from September 1 to March 31 annually.
20. Raymond Ranch Wildlife Area (located in Unit 5B):
- a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - b. Open to hunting in season.
21. Robbins Butte Wildlife Area (located in Unit 39):
- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only from one hour before sunrise to one hour after sunset daily.
  - e. Parking in designated areas only.
  - f. Target or claybird shooting permitted in designated areas only.
  - g. Posted portions around Department housing closed to discharge of all firearms.
  - h. Closed to discharge of centerfire rifled firearms.
  - i. Open to hunting in season.
22. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
- a. Posted portions closed to public entry from November 15 to February 15 annually.
  - b. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
23. Sipe White Mountain Wildlife Area (located in Unit 1):
- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
  - e. Posted portions around Department housing closed to discharge of all firearms.
  - f. Open to hunting in season.
24. Springville Marsh Wildlife Area (located in Unit 2B):
- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Closed to discharge of all firearms.
  - e. Closed to hunting.
25. Sunflower Flat Wildlife Area (located in Unit 8):
- a. No overnight public camping.
  - b. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - c. Open to hunting in season.
26. Three Bar Wildlife Area (located in Unit 22):
- a. Portions within the fenced enclosure inside the loop formed by Tonto National Forest Road 647 closed to public entry.
  - b. Open to hunting in season, except portions within the fenced enclosure inside the loop formed by Tonto National Forest Road 647 closed to hunting.
27. Tucson Mountain Wildlife Area (located in Unit 37M):
- a. Closed to discharge of all firearms.
  - b. Open to hunting in season with bow and arrow only.
  - c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
28. Upper Verde River Wildlife Area (located in Unit 19A):
- a. No firewood cutting or gathering.
  - b. Overnight public camping allowed in designated areas only.
  - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - d. Open to hunting in season.
29. Wenima Wildlife Area (located in Unit 2B):
- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
  - e. Posted portions closed to discharge of all firearms.
  - f. Open to hunting in season.
30. White Mountain Grasslands Wildlife Area (located in Unit 1):
- a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
  - d. Posted portions closed to public entry.
  - e. Open to hunting in season.
31. Whitewater Draw Wildlife Area (located in Unit 30B):
- a. Open fires allowed in designated areas only.
  - b. Overnight public camping allowed in designated areas only, for no more than three days within a seven-day period.
  - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - d. Closed to discharge of centerfire rifled firearms.
  - e. Posted portions closed to public entry from October 15 to March 15 annually.
  - f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.
32. Willcox Playa Wildlife Area (located in Unit 30A):
- a. Open fires allowed in designated sites only.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
  - e. Posted portions closed to public entry from October 15 through March 15 annually.
  - f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 8 A.A.R. 2107, effective May 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 10 A.A.R. 1976, effective May 14, 2004 (Supp. 04-2).

**R12-4-803. Wildlife Area Boundary Descriptions**

Wildlife Areas are described as follows:

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as:

T10N, R13W

Section 1, W1/2NW1/4, NW1/4SW1/4;  
Section 2 and Section 3;  
Section 4, E1/2SW1/4, SE1/4;  
Section 9, NE1/4, E1/2NW1/4;  
Section 10, N1/2NW1/4, NW1/4NE1/4.

T11N, R11W

Section 7, S1/2SW1/4;  
Section 18, N1/2 NW1/4.

T11N, R12W

Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4;  
Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4;  
Section 7, S1/2, SE1/4 NE1/4;  
Section 8, NE1/4, S1/2NW1/4, S1/2;  
Section 9;  
Section 10, S1/2NW1/4, S1/2;  
Section 11, S1/2S1/2;  
Section 12, S1/2S1/2;  
Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4;  
Section 14, N1/2, E1/2SE1/4;  
Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4;  
Section 16, 17, 18 and 19;  
Section 20, N1/2, N1/2SW1/4;  
Section 21, NW1/4;  
Section 29, SW1/4, SW1/4SE1/4;  
Section 30;  
Section 31, N1/2, N1/2S1/2;  
Section 32, NW1/4, N1/2SW1/4.

T11N, R13W

Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4;  
Section 13;  
Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4;  
Section 22, S1/2SW1/4, SE1/4;  
Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4;  
Section 24, 25 and 26;  
Section 27, E1/2, E1/2W1/2;  
Section 34, E1/2, E1/2NW1/4, SW1/4;  
Sections 35 and 36.

T12N, R12W

Section 19, E1/2, SE1/4SW1/4;  
Section 20, NW1/4NW1/4, SW1/4SW1/4;  
Section 28, W1/2SW1/4;  
Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4;  
Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4;  
Section 31, NE1/4NE1/4;  
Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4;  
Section 33, W1/2E1/2, W1/2.  
All in G&SRB&M, Mohave and La Paz Counties, Arizona.

2. Allen Severson Memorial Wildlife Area: The Allen Severson Memorial Wildlife Area shall be that area including

Pintail Lake and South Marsh lying within the fenced and posted portions of:

T10N, R22E

Section 32, SE1/4;  
Section 33, S1/2SW1/4.

T11N, R22E

Section 4, N1/2NW1/4.

T10N, R22E

Section 4: the posted portion of the NW1/4SW1/4.

All in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.

3. Aravaipa Canyon Wildlife Area: The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management, Graham and Pinal Counties, Arizona.
4. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as:

T1S, R5W

Section 33, E1/2SE1/4.

T2S, R5W

Section 3, W1/2W1/2;  
Section 4, E1/2;  
Section 9, E1/2, SW1/4;  
Section 15, those portions of S1/2N1/2 and NW1/2SW1/4 lying west of the primary through road;  
Section 16;  
Section 21, E1/2, E1/2SW1/4, SE1/4NW1/4.

All in G&SRB&M, Maricopa County, Arizona.

5. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as:

T1N, R1E

Section 31, Lots 3, 5, 6, and 8, and NE1/4SW1/4.

T1N, R1W

Section 34, N1/2SE1/4;  
Section 35, S1/2;  
Section 36, S1/2N1/2SE1/4.

All in the G&SRB&M, Maricopa County, Arizona.

6. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of:

T9N, R29E

Section 19, SE1/4SW1/4;  
Section 20, SW1/4SW1/4, W1/2NW1/4, and NW1/4SW1/4;  
Section 29, E1/2NE1/4;  
Section 30, NE1/4SE1/4;  
Section 32, as it is described in parcels in this Section.

All in the G&SRB&M, Apache County, Arizona, consisting of approximately 325 acres.

Parcel 1. Parcel 1 is located in section 30, T9N, R29E, G&SRB&M, Apache County, Arizona, and is adjacent to the western boundary of the Becker Lake Wildlife Area. The preliminary ALTA survey for the Enders property indicates that Parcel 1 is approximately 83 acres in size. Parcel 1 is also bounded by lands owned by The Hopi Tribe (26 Bar Ranch) and Arizona State Trust lands. The property is composed of Plains and Great Basin grassland habitat, and has historically been used for livestock grazing. This parcel is described by Apache County Assessor's Office parcel number 105-16-002.

- Parcel 2. This parcel is located in the northeast quarter of section 32 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 2 is approximately 61 acres in size. Parcel 2 includes the southernmost portion of the subject property. The Becker Lake Ditch and a short reach of the Little Colorado River are located within Parcel 2. Parcel 2 is bounded by Parcel 3 to the west and Parcel 4 to the north. Privately owned lands are located to the east and south of Parcel 2. This parcel is described by Apache County Assessor's Office parcel number 105-18-008A.
- Parcel 3. This parcel is located in the northwest quarter of section 32 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 3 is approximately 17 acres in size. The Becker Lake Ditch also is located within Parcel 3. Parcel 3 is bounded by Parcel 2 to the east, and Parcel 5 to the north. The Becker Lake Road comprises approximately half of the western boundary of Parcel 3, with a two-acre residential property located between Becker Lake Road and Becker Ditch owned by Mr. Jack Hustead comprising the remainder of the western boundary of Parcel 3. Parcel 3 is described by Apache County Assessor's Office parcel number 105-18-012B.
- Parcel 4. Parcel 4 is located in the southern half of section 29 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 4 is approximately 56 acres in size. Both the Becker Lake Ditch and an approximately a mile reach of the LCR are located within Parcel 4. Parcel 4 is bounded by Parcel 2 to the south and Parcel 5 as well as privately owned lands to the west. Private lands are also located to the north and east of Parcel 4. Highway 60 constitutes the northeast boundary of this irregularly shaped parcel. This parcel is described by Apache County Assessor's Office parcel number 105-15-014E.
- Parcel 5. Parcel 5 is located in the southern half of the southwest quarter of section 29 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 5 is approximately 79 acres in size. The Becker Lake Ditch is also located within Parcel 5. Parcel 5 is bounded by Parcel 4 to the east and Parcel 3 to the south. The Becker Lake Wildlife Area bounds the western half of the northern boundary of this parcel. Privately owned lands are also located to the north of Parcel 5. The Springerville Airport as well as State Trust lands are located to the south of Parcel 5. Hopi Tribal Land (26 Bar Ranch) abuts the entire western boundary of this parcel. The Becker Lake Road and Becker Ditch bisect Parcel 5. This parcel is described by Apache County Assessor's Office parcel number 105-15-014F.
7. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: Beginning at the southeast corner of Section 32, Township 22 South, Range 17 East, G&SRB&M, Santa Cruz County, Arizona; thence North 21°42'20" West 1394.86 feet to the true point of beginning; thence North 9°15'26" West 1014.82 feet; thence North 14°30'58" West 1088.82 feet; thence North 36°12'57" West 20.93 feet; thence North 50°16'38" West 1341.30 feet; thence North 57°51'08" West 1320.68 feet; thence N39°03'53" East 1044.90 feet; thence North 39°07'43" East 1232.32 feet; thence South 36°38'48" East 1322.93 feet; thence South 43°03'17" East 1312.11 feet; thence South 38°19'38" East 1315.69 feet; thence South 13°11'59" West 2083.31 feet; thence South 69°42'45" West 920.49 feet to the true point of beginning.
  8. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as:
    - Duran Ranch: T12N, R14E
      - Sections 6 and 7, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears North 11°41' West 21.53 chains distant; thence South 26°5' East 6.80 chains to Corner No. 2; thence South 66° West 12.74 chains to Corner No. 3; thence South 19°16' West 13.72 chains to Corner No. 4; thence South 29°1' West 50.02 chains to Corner No. 5; thence North 64°15' West five chains to Corner No. 6; thence North 28°54' East 67.97 chains to Corner No. 7; thence North 55°36' East 11.02 to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona.
    - Dye Ranch: T12N, R14E
      - Sections 9 and 16, more particularly described as follows: Beginning at Corner No. 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears North 2°24' East 127.19 chains distant; thence South 50°20' East 4.96 chains to corner No. 2; thence South 29°48' West 21.97 chains to Corner No. 3; thence South 14°45' West 21.00 chains to Corner No. 4; thence North 76°23' West 3.49 chains to Corner No. 5; thence North 10°13' West 14.02 chains to Corner No. 6; thence North 19°41' East 8.92 chains to Corner No. 7; thence North 38°2' East 24.79 chains to Corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.
    - Tillman Ranch: T12N, R14E
      - Sections 9 and 10.
      - All in G&SRB&M, Coconino County, Arizona.
    - Vincent Ranch: T12N, R13E
      - Sections 3 and 4, more particularly described as follows: Begin at corner No. 1, from which the South 1/4 corner to Sec. 33, T13N, R13E, bears North 40°53' West 16.94 chains distance; thence South 53°08' East 2.98 chains to corner No. 2; thence South 11°26' West 6.19 chains to corner No. 3; thence South 49°43' West 22.41 chains to corner No. 4; thence South 22°45' West 30.03 chains to corner No. 5; thence North 67°35' West 6.00 chains to corner No. 6; thence North 23° East 30.03 chains to corner No. 7; thence North 42°18' East 21.19 chains to corner No. 8; thence North 57°52' East 8.40 chains to corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.

## Wolf Ranch: T12N, R14E

Sections 18 and 19, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the U.S. Location Monument No. 184 H. E. S. bears South 88°53' East 4.41 chains distant; thence South 34°4' East 11.19 chains to Corner No. 2; thence South 40°31' West 31.7 chains to Corner No. 3; thence South 63°3' West 7.97 chains to Corner No. 4; thence South 23°15' West 10.69 chains to Corner No. 5; thence North 59° West 2.60 chains to Corner No. 6; thence North 18°45' East 10.80 chains to Corner No. 7; thence North 51°26' East 8.95 chains to Corner No. 8; thence North 30°19' East 34.37 chains to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona.

9. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be that area lying in the NE1/4 Section 26, and E1/2 of Section 23, all in T18N, R17E, G&SRB&M, Navajo County, Arizona, consisting of approximately 668 acres.
10. Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, Township 17 South, Range 31 East, and the W1/2SE1/4, S1/2NW1/4, SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
11. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.
12. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, that is bordered by the Fort Mojave Indian Reservation to the West, the Colorado River to the North, and residential areas of Bullhead City to the South and East, G&SRB&M, Mohave County, Arizona.
13. House Rock Wildlife Area: House Rock Wildlife Area is that area described as: Beginning at the common one-quarter corner of Sections 17 and 20, T36N, R4E; thence east along the south section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence meandering southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence meandering along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence meandering northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence meandering southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence meandering westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence meandering northerly along the west side of the Cockscomb to the

bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence meandering northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.

14. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4SW1/4, NE1/4SW1/4, NE1/4SW1/4SW1/4, NW1/4SW1/4, N1/2NW1/4SE1/4, SW1/4SW1/4NE1/4, S1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, Section 11; and N1/2NE1/4NW1/4 Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
15. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona; together with all improvements thereon, and that certain water right on "Hudsonian Spring" as evidenced by certificate of Water Right from the State Water Commissioner of the State of Arizona, dated December 13, 1935 and recorded in Book 5 of Water Rights, pages 374-375, records of Coconino County, Arizona, and being Certificate #624.
16. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.
17. Mitty Lake Wildlife Area: The Mitty Lake Wildlife Area shall be those areas described as:
 

T6S, R21W

Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way.

T7S, R21W

Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way;

Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W;

Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, S1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W;

Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W;

Section 18: all of Lots 1, 2, 3, E1/2NW1/4, and that portion of Lot 4, NE1/4, E1/2 SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W.

T6S, R22W

Section 36: all of Lots 1, 2.

T7S, R22W

Section 1: all of Lot 1;

Section 12: all of Lots 1, 2, SE1/4SE1/4;

Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W, all in G&SRB&M, Yuma County, Arizona.
18. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as:
 

T1S, R5W

Section 25, N1/2SW1/4, SW1/4SW1/4;

Section 26, S1/2;

Section 27, E1/2SE1/4;

Section 34.

T2S, R5W

- Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4;  
 Section 10, NW1/4, NW1/4NE1/4;  
 Section 15, SE1/4SW1/4;  
 Section 22, E1/2NW1/4, NW1/4NW1/4.  
 All in G&SRB&M, Maricopa County, Arizona.
19. Quigley Wildlife Area: The Quigley Wildlife Area shall be those areas described as:  
 T8S, R17W  
 Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the West half of Section 13, more particularly described as follows: Beginning at the South Quarter corner, thence South 89°17'09" West along the south line of said Section 13, a distance of 2627.50 feet to the southwest corner of said Section 13; thence North 41°49'46" East, a distance of 3026.74 feet to a point; thence North 0°13'30" West, a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence North 89°17'36" East along said north 1/16th line, a distance of 600.00 feet to the Center of said Section 13; thence South 0°13'30" E. along the north-south Mid-section line, a distance of 3959.99 feet to the point of beginning.  
 Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: Beginning at the Northeast Corner, thence South 0°10'19" East along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence South 89°29'58" West along said south line, a distance of 1309.64 feet to a point; thence North 44°17'39" East, a distance of 1869.58 feet to the point of beginning.  
 Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4 all in G&SRB&M, Yuma County, Arizona.
20. Raymond Ranch Wildlife Area: The Raymond Ranch Wildlife Area is that area described as: All of Sections 24, 25, 26, 34, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: Beginning at the west one-quarter corner of Section 33; thence northeasterly through the one-quarter corner common to Sections 28 and 33, one-quarter corner common to Sections 27 and 28 to the north one-quarter corner of Section 27 all in T19N, R11E. All of Sections 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 all in T19N, R12E, all in G&SRB&M, Coconino County, Arizona.
21. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as:  
 T1S, R3W  
 Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4;  
 Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4.  
 T1S, R4W  
 Section 13, all EXCEPT that portion of W1/2SW1/4SW1/4 lying west of State Route 85;  
 Section 14, all EXCEPT the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal;  
 Section 19, S1/2SE1/4;  
 Section 20, S1/2S1/2, NE1/4SE1/4;  
 Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4;  
 Section 22, all EXCEPT for NW1/4NW1/4;  
 Section 23;  
 Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85;  
 Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85;  
 Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4;  
 Section 27, N1/2, SW1/4;  
 Section 28;  
 Section 29, N1/2N1/2, SE1/4NE1/4;  
 Section 30, Lots 1,2, and E1/2NW1/4, NE1/4, SE1/4SE1/4.  
 All in G&SRB&M, Maricopa County, Arizona.
22. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as: Beginning at the junction of A-Cross Road and AZ. Hwy. 188; south on AZ. Hwy. 188 to junction of AZ. Hwy. 88; east on AZ. Hwy. 88 to Carson's Landing; northeast across Roosevelt Lake to the south tip of Bass Point; directly north to the Long Gulch Road; northeast on this road to the A-Cross Road; northwest on the A-Cross Road to the point of beginning; all in G&SRB&M, Gila County, Arizona.
23. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as:  
 T7N, R29E  
 Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4.  
 T7N, R30E  
 Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4;  
 Section 6, Lots 1, 2, 3, 7 and 8, SW1/4NW1/4NW1/4, SW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, S1/2NE1/4SE1/4, S1/2NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4;  
 Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4;  
 Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4.  
 T8N, R30E  
 Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4, all in G&SRB&M, Apache County, Arizona.
24. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
25. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as:  
 T20N, R3E  
 Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4;  
 Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4 all in the G&SRB&M, Coconino County, Arizona.
26. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area lying within the following described boundary: Beginning at Roosevelt Dam, northwesterly on AZ. Hwy. 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a

- fence line south of Buckhorn Mountain; southerly along the barbed wire drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
27. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area lying within the following described boundary: Beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Monument boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Road; south on Sandario Road approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell Road; northwest along this road to Twin Peaks Road; west along this road to Sandario Road; south along this road to the Saguaro National Monument boundary; west and south along the monument boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
  28. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of four parcels totaling approximately 796 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as:
    - a. Sullivan Lake Parcel: Located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW1/4NE1/4 of sec. 15 consisting of approximately 80 acres.
    - b. Granite Creek Parcel: Includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres.
    - c. Campbell Place Parcel: Tracts 40 and 41 in Section 7, T17N, R1W and Section 12, T17N, R2W consisting of approximately 315 acres.
    - d. Tract 39 Parcel: The east half of Tract 39 within the Prescott National Forest boundary, SE1/4SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres.
  29. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as:
 

T9N, R29E

Section 5, SE1/4 SW1/4, and SW1/4 SE1/4  
EXCEPT E1/2 E1/2 SW1/4 SE1/4

Section 8, NE1/4 NW1/4, and NW1/4 NE1/4

Sections 8, 17 and 18, within the following boundary: From the quarter corner of Sections 17 and 18, the true point of beginning; thence North 00°12'56" East 1302.64 feet along the Section line between Sections 17 and 18 to the North 1/16 corner; then North 89°24'24" West 1331.22 feet to the Northeast 1/16 corner of Section 18; thence North 00°18'02" East 1310.57 feet to the East 1/16 corner of Sections 7 and 18; thence South 89°03'51" East 1329.25 feet to the Northeast Section corner of said Section 18; thence North 01°49'10" East 1520.28 feet to a point on the Section line between Sections 7 and 8; thence North 38°21'18" East 370.87 feet to a point; thence North 22°04'51" East 590.96 feet to a point; thence North 57°24'55" East 468.86 feet to a point on the East West mid-section line of said Section 8; thence North 89°38'03" East 525.43 feet along said mid-section line to the center West 1/16 corner; thence South 02°01'25" West 55.04 feet to a point; thence South 87°27'17" East 231.65 feet to a point; thence South 70°21'28" East 81.59 feet to a point; thence North 89°28'36" East 111.27 feet to a point; thence North 37°32'54" East 310.00 feet to a point; thence North 43°58'37" West 550.00 feet to a point; thence North 27°25'53" West 416.98 feet to the North South 1/16 line of said Section 8; thence North 02°01'25" East 380.04 feet along said 1/16 line to the Northwest 1/16 corner of said Section 8; thence North 89°45'28" East 1315.07 feet along the East West mid-sixteenth line to a point; thence South 45°14'41" East 67.69 feet to a point; thence South 49°28'18" East 1099.72 feet to a point; thence South 08°04'43" West 810.00 feet to a point; thence South 58°54'47" West 341.78 feet to a point; thence South 50°14'53" West 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Road; thence North 80°02'20" West 724.76 feet to a point, said point lying North 42°15'10" West 220.12 feet from the Northwest corner of Lot 72; thence North 34°19'23" East 80.64 feet to a point; thence North 15°54'25" East 51.54 feet to a point; thence North 29°09'53" East 45.37 feet to a point; thence North 40°09'33" East 69.21 feet to a point; thence North 25°48'58" East 43.28 feet to a point; thence North 13°24'51" East 63.12 feet to a point; thence North 16°03'10" West 30.98 feet to a point; thence North 57°55'25" West 35.50 feet to a point; thence North 80°47'38" West 48.08 feet to a point; thence South 87°28'53" West 82.84 feet to a point; thence South 72°07'06" West 131.85 feet to a point; thence South 43°32'45" West 118.71 feet to a point; thence South 02°37'48" East 59.34 feet to a point; thence South 33°03'29" East 57.28 feet to a point; thence South 28°30'29" East 54.75 feet to a point; thence South 36°39'47" East 105.08 feet to a point; thence South 24°55'07" West 394.78 feet to a point; thence South 61°32'16" West 642.77 feet to the Northwest corner of Lot 23; thence North 04°35'23" West 90.62 feet to a point; thence South 85°24'37" West 26.00 feet to a point; thence North 64°21'36" West 120.76 feet to a point; thence South 61°07'57" West 44.52 feet to a point; thence South 39°55'58" West 80.59 feet to a point; thence South 11°33'07" West 47.21 feet to a point; thence South 19°53'19" East 27.06 feet to a point; thence South 54°26'36" East 62.82 feet to a point; thence South 24°56'25" West 23.92 feet to a point; thence South 48°10'38" West 542.79 feet to a point; thence South 17°13'48" West

- 427.83 feet to the Northwest corner of Lot 130; thence South 29°10'58" West 104.45 feet to the Southwest corner of Lot 130; thence Southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the Southwest corner of Lot 134; thence South 15°04'25" West 91.10 feet to a point; thence South 04°29'15" West 109.17 feet to a point; thence South 01°41'24" West 60.45 feet to a point, thence South 29°16'05" West 187.12 feet to a point; thence South 14°44'00" West 252.94 feet to a point; thence South 15°42'24" East 290.09 feet to a point; thence South 89°13'25" East 162.59 feet to a point; thence South 37°19'54" East 123.03 feet to the Southeast corner of Lot 169; thence South 20°36'30" East 706.78 feet to the Northwest corner of Lot 189; thence South 04°07'31" West 147.32 feet to a point; thence South 29°11'19" East 445.64 feet to a point; thence South 00°31'40" East 169.24 feet to the East West mid-section line of Section 17 and the Southwest corner of Lot 194; thence South 89°28'20" West 891.84 feet along said East West mid-section line to the true point of beginning. All in G&SRB&M, Apache County, Arizona.
30. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as:
- Parcel No. 1: (CL1)
- The South half of Section 24; the North half of the Northwest quarter of Section 25; the Northeast quarter and the North half of the Southeast quarter of Section 26; all in Township 9 North, Range 27 East of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No. 2: (CL2)
- The Southeast quarter and the Southeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No. 3: (CL3)
- The Northwest quarter of the Southwest quarter of Section 28; and the Southwest quarter, the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 29, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No. 4: (CL4)
- The Southwest quarter of the Southwest quarter of Section 5; the Southeast quarter of the Southeast quarter of Section 6; the Northeast quarter of the Northeast quarter of Section 7; the Northwest quarter of the Northwest quarter, the East half of the Southwest quarter of the Northwest quarter, the West half of the Northeast quarter, the Southeast quarter of the Northwest quarter, and that portion of the South half which lies North of Highway 260, EXCEPT the West half of the Southwest quarter of Section 8; All in Township 8 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No. 1: (O1)
- The South half of the North half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT that Parcel of land lying within the South one-half of the Northeast quarter of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:
- From the North 1/16 corner of Sections 10 and 11, monumented with a 5/8 inch rebar with a cap marked LS 13014, said point being the TRUE POINT OF BEGINNING; thence North 89°44'54" West 1874.70 feet along the East-West 1/16 line to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 02°26'17" West 932.00 feet to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 89°44'54" East 1873.69 feet to a point monumented with a half-inch rebar with a tag marked LS 13014, said point being on the East line of Section 10; thence North 02°30'00" East 932.00 feet along said Section line to the TRUE POINT OF BEGINNING.
- Parcel No.2: (O2)
- The North half of the South half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No.3: (O3)
- The Southeast quarter of Section 25, Township 9 North, Range 27 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No.4: (O4)
- Lots 3 and 4; the East half of the Southwest quarter; the West half of the Southeast quarter; and the Northeast quarter of the Southeast quarter of Section 30, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No.5: (O5)
- Lots 1, 2 and 3; the South half of the Northeast quarter; the Northwest quarter of the Northeast quarter; the East half of the Northwest quarter; and the Northeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No.6: (O6)
- Beginning at the Northwest corner of the Southeast quarter of Section 27, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; thence East 1320.00 feet; thence South 925.00 feet;

thence West 320.00 feet to the center of a stock watering tub; thence North 83° West 1000.00 feet; thence North 740.00 feet to the point of beginning; EXCEPT all gas, oil, metals and mineral rights as reserved to the State of Arizona in the Patent to said land.

31. White Water Draw Wildlife Area: The White Water Draw Wildlife Area shall be those areas described as:

T21S, R26E

Section 19, S1/2 SE1/4

Section 29, W1/2 NE1/4, and E1/2 NE1/4

Section 30, N1/2 NE1/4

Section 32

T22S, R26E

Section 4, Lots 3 and 4

T22S, R26E

Section 5, Lots 1 to 4, EXCEPT an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.

32. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: Beginning at the section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence, South 0°15'57" West 2645.53 feet to the east 1/4 corner of Section 10; thence South 89°47'15" West 2578.59 feet to the center 1/4 corner of Section 10; thence, North 1°45'24" East 2647.85 feet to the center 1/4 corner of Section 3; thence, North 1°02'42" West 2647.58 feet to the center 1/4 corner of said Section 3; thence North 89°41'37" East to the common 1/4 corner of Section 2 and Section 3; thence, South 0°00'03" West 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence South 44°46'30" East 1867.80 feet to a point on the common section line of Section 2 and Section 11; thence South 44°41'13" East 1862.94 feet to a point; thence South 44°42'35" East 1863.13 feet to a point; thence North 0°13'23" East 1322.06 feet to a point; thence South 89°54'40" East 1276.24 Feet to a point on the west right-of-way fence line of Kansas Settlement Road; thence South 0°12'32" West 2643.71 feet along said fence line to a point; thence North 89°55'43" West 2591.30 feet to a point; thence North 0°14'14" East 661.13 feet to a point; thence North 89°55'27" West 658.20 feet to a point; thence North 0°14'39" East 1322.36 feet to a point; thence North 44°41'19" West 931.44 feet to a point; thence North 44°40'31" West 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

#### Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2).

#### **R12-4-804. Public Solicitation or Event on Department Property**

- A. For the purposes of this Section, the following definitions apply:

1. "Applicant" means a person who makes application to the Department to conduct a solicitation or event on Department property;
2. "Certificate of insurance" means an official document issued by the solicitor's or event organizer's insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation (if applicable), auto, real, and personal property liability coverage determined by the Director as adequate for the solicitation or event activities;

nizer for general commercial, professional, workers compensation (if applicable), auto, real, and personal property liability coverage determined by the Director as adequate for the solicitation or event activities;

3. "Department" means the Arizona Game and Fish Department;
  4. "Department property" means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission;
  5. "Director" means the Director of the Arizona Game and Fish Department or the Director's designated agent;
  6. "Person" has the meaning set forth in A.R.S. § 1-215;
  7. "Solicitation" means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities. The distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes constitutes solicitation;
  8. "Solicitation material" means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information;
  9. "Solicitor" means the person or persons conducting a solicitation;
  10. "Work site" means any location on Department property where employees conduct the daily business of the Department. Eating areas and break rooms are work sites.
- B. All Department property is designated as a non-public forum and shall be closed to solicitation and events unless permitted by the Director.
- C. Hours of use for Department property shall be as designated by facility.
- D. A person who would like to conduct a solicitation or event on Department property shall apply for a permit by completing and filing, either in person or by mail, a Department approved solicitation or event application form, available from all Department offices. An applicant shall submit a completed application form for a solicitation or event to either a Regional Department office or to Department Headquarters, Director's Office, at 2221 W. Greenway Rd., Phoenix, AZ 85023, whichever is appropriate for the solicitation or event venue. To allow for the Department to review the application and the applicant to comply with permit requirements, an applicant shall submit an application at least 14 days prior to the scheduled date of the solicitation or event for all solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials. An applicant shall submit an application at least 10 days prior to the scheduled date of a solicitation or event for the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials. The Director shall approve or deny an application within 10 business days of the receipt of the completed application.
- E. A completed solicitation or event application is one that is submitted on a Department form specified in subsection (D), and one that is legible and contains, at a minimum, all of the following information:
1. The name, address, and telephone number of the applicant;
  2. Applicant's e-mail address, if available;
  3. A contact person, if the applicant is an organization;
  4. The proposed date of the solicitation or event and the starting and approximate concluding times;
  5. The specific, proposed location for the solicitation or event;
  6. A general description of the solicitation or event's purpose;

7. Anticipated number of attendees, if applicable;
  8. Amount of fees, if any, that attendees will be charged;
  9. A detailed description of any activity that will occur at the solicitation or event, including a detailed layout of the solicitation or event and any props that will be used (for example, tents, tables, etc.);
  10. Copies of any solicitation materials to be distributed to the public or posted on Department property.
- F.** The Department shall ensure that an application for a solicitation or event on Department property includes provisions to protect the state from liability due to the solicitation or event. The Department shall also ensure that an application includes provisions to protect the Department from costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair. The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred as a result of the solicitation or event. The Department shall hold an applicant responsible for any cleanup or damage costs associated with the solicitation or event.
- G.** A solicitation or event is not considered scheduled or approved until the applicant is notified in writing by the Department.
- H.** A solicitation or event permit shall not be issued earlier than six months prior to the solicitation or event.
- I.** The Department reserves the right at all times to immediately remove, or cause to be removed, any and all items of the solicitation or event that would damage state property, inhibit egress, or pose safety issues. The Department also reserves the right to immediately remove, or cause to be removed, any and all solicitors or event organizers or attendees who are found to be damaging state property, inhibiting egress, or posing safety issues.
- J.** The Director may take one or more of the following actions to the extent it is necessary and in the best interests of the state:
1. Impose additional conditions not specified in this Section on the conduct of the solicitation or event in the permit;
  2. Require the applicant to post a deposit against damage and cleanup expense;
  3. Require the applicant to carry adequate liability insurance and provide a certificate of insurance; and
  4. Require the applicant to provide medical support, sanitary services (including toilets), and security.
- K.** The Director may consider the following criteria to determine whether one or more of the actions in subsection (J) is necessary and in the best interests of the state:
1. Previous experience with similar solicitations or events;
  2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data;
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; and
  5. The applicant's ability to pay a deposit, an insurance premium, or a service provider.
- L.** The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.
- M.** If the Director requires insurance for a solicitation or event, the applicant shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.
- N.** The applicant is liable to the Department for any damage done to Department property and for any expense arising out of the solicitor's or event organizer's use of Department property.
- O.** The Director shall deny an application for one or more of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the agency;
  2. The solicitation or event conflicts with the time, place, manner, or duration of other events or solicitations for which applications have been approved or are pending;
  3. The content of the solicitation or event is unrelated to the Department's activities or its mission;
  4. The solicitation or event creates a risk of injury or illness to persons or risk of damage to property; and
  5. The applicant has not complied with the requirements of the application process or this Section.
- P.** When the Director denies an application, the Department shall send the applicant a written notice explaining:
1. The reason for denial;
  2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq., to appeal the denial; and
  3. The time periods for appealing the denial.
- Q.** The Director may revoke a permit for an approved application due to emergency circumstances, or for an applicant's failure to comply with this Section or other applicable laws. When the Director revokes a permit, the Department shall send the applicant written notice explaining the reason for revocation.
- R.** An applicant who is denied a solicitation or event permit, or whose solicitation or event permit is revoked, may appeal to the Commission as provided under A.R.S. § 41-1092, et seq.
- S.** A person shall not conduct partisan political activity on Department property or in Department work sites.
- T.** A person shall not post solicitation material on Department property without obtaining a permit from the Department. Solicitation material shall be posted only in designated posting areas.
- U.** A solicitor or event organizer bringing a vehicle onto Department property shall only park in designated parking areas.
- V.** A solicitor or event organizer on Department property shall follow all posted requirements and restrictions and shall designate one monitor for every 50 persons expected to be in attendance at a solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
- W.** A solicitor or event organizer shall ensure that all safety standards, guidelines, and requirements are followed when conducting a solicitation or event on Department property. The solicitor or event organizer shall implement additional safety requirements upon request by the Department. If an applicant fails to comply with a safety requirement or request from the Department, the Department shall cancel or terminate the solicitation or event. At a minimum, a solicitor or event organizer shall comply with the following safety requirements:
1. All activities shall be performed in compliance with federal, state, and local laws, ordinances, statutes, rules, and regulations, including those of OSHA;
  2. Layout of the solicitation or event shall ensure that emergency vehicles will have access at all times;
  3. An applicant shall allow the Department to make periodic safety checks throughout the solicitation or event;
  4. Obstructions and hazards shall be eliminated;
  5. Trash and waste disposal is required throughout the solicitation or event.
- X.** A solicitor or event organizer shall ensure that a solicitation or event on Department property causes a minimum amount of degradation of Department property and a minimum infringement of use to the general public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.

- Y.** An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.
- Z.** An applicant shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.
- AA.** This Section does not apply to government agencies.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R.  
1424, effective June 14, 2003 (Supp. 03-2).